

By Mr. MADDOX. Paper to accompany bill for relief of Robert M. Williams, of Whitefield County, Ga.—to the Committee on War Claims.

By Mr. MOON of Pennsylvania: Petition of Atlantic Carriers' Association, against the employment of State pilots by sailing vessels south of the Virginia capes—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Christian Endeavor Society of Philadelphia, Pa., against liquor selling on Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Young People's Society of Christian Endeavor of the Tenth Baptist Church of Philadelphia, against sale of liquor on Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, resolution of the Philadelphia Bourse, favoring extension of contract for the pneumatic-tube post-office service in Philadelphia—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the National Board of Trade, relative to forestry and irrigation—to the Committee on Agriculture.

Also, resolution of the Philadelphia Board of Trade, favoring bill S. 6291—to the Committee on the Merchant Marine and Fisheries.

By Mr. MORRELL: Resolution of the Trades League of Philadelphia, favoring extension of the pneumatic-tube contract in Philadelphia—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Grocers and Importers' Exchange of Philadelphia, favoring ten years' extension of the contract for pneumatic-tube service in Philadelphia—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the directors of the Philadelphia Bourse, favoring ten years' extension of the contract for the pneumatic post-office tube system in Philadelphia—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: Petition of Milwaukee Chapter, American Institute of Bank Clerks, in favor of the Gaines bill for clean currency—to the Committee on Banking and Currency.

By Mr. PORTER: Resolution of the National Board of Trade, relative to forestry and irrigation—to the Committee on Agriculture.

By Mr. RICHARDSON of Tennessee: Paper to accompany bill for relief of William J. Corney—to the Committee on War Claims.

By Mr. RIDER: Resolution of the National Business League, favoring repeal of the desert-land law and the commutation clause of the homestead act—to the Committee on the Public Lands.

By Mr. RUPPERT: Resolution of the National Business League, asking for repeal of the desert-land law, the commutation clause of the homestead act, and the timber and stone law—to the Committee on the Public Lands.

Also, resolution of Clothiers' Association of New York, against repeal of the bankruptcy law—to the Committee on the Judiciary.

By Mr. SPERRY: Petition of citizens of New Haven, Conn., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULZER: Resolution of the Clothiers' Association of New York, against repeal of the bankruptcy act—to the Committee on the Judiciary.

Also, petition of Brotherhood of Locomotive Engineers, Division No. 105, of New York City, favoring bill H. R. 7041—to the Committee on the Judiciary.

Also, resolution of the Maritime Association of the Port of New York, favoring bill S. 2252—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Congress of Knights of Labor of New York State, favoring bill to prevent adulteration of liquors and food in the United States—to the Committee on Agriculture.

Also, resolution of the American Hardware Association, for repeal of the desert-land law, the timber and stone act, and the commutation clause of the homestead act—to the Committee on the Public Lands.

Also, resolution of the National Business League, of Chicago, for repeal of the desert-land law, the timber and stone law, and the commutation clause of the homestead law—to the Committee on the Public Lands.

By Mr. THAYER: Petition of county officers of the Ancient Order of Hibernians, of Worcester County, Mass., favoring bill providing for a monument to Commodore Barry—to the Committee on the Library.

SENATE.

FRIDAY, February 17, 1905.

The Chaplain, Rev. EDWARD E. HALE, said:

The Congress has devoted a part of to-day to memorial exercises in honor of Miss Frances E. Willard, the distinguished philanthropist, to whom the nation is so largely indebted. Let me read for our Scripture lesson such verses from King Lemuel's description as are appropriate to this distinguished woman:

A virtuous woman who can find? for her price is far above rubies. She doeth good and not evil all the days of her life. rubies. She doeth good and not evil all the days of her life. She spreadeth out her hand to the poor. Strength and dignity are her clothing. She openeth her mouth with wisdom and the law of kindness is on her tongue. A woman that feareth the Lord, she shall be praised. Give her of the fruit of her hand and let her works praise her in the gates.

Let us pray.

Father Almighty, we remember what Thou hast given this nation in sending such an apostle of Thy word; of Thine own righteousness. She taught this people that the wisdom from above is first pure, and she showed them how to add to their purity, peace, and gentleness by those efforts by which men shall work with God for the coming of His kingdom.

Father, we remember her. We preserve the memorials of such a life. But it is not for the past; it is for the future that we pray, that the people of this land may know what it is to be pure in body, pure in heart, pure in soul; that they may offer to Thee the living sacrifice; that men and women may know that they are the living temples of the living God.

Be with us in the services of to-day. Be with this nation—north, south, east, west—in the schoolroom, in the church, and in daily duty, as men and women seek to draw nearer to God, and yet nearer—yes, Father, even though it were a cross that raiseth us—that we may come nearer to Thee. We ask it in His name.

Our Father who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is done in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 6017) for the relief of certain homestead settlers in the State of Alabama.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 16289. An act to empower the Secretary of War to allow burial of wives of deceased enlisted men in national cemeteries in the same graves as deceased soldiers;

H. R. 16986. An act to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes;

H. R. 17994. An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect;

H. R. 18285. An act fixing the status of merchandise coming into the United States from the Canal Zone, Isthmus of Panama; and

H. R. 18815. An act to authorize the construction of a bridge across the Red River at or near Boyce, La.

The message further transmitted a resolution passed by the House declaring that amendment No. 208, added by the Senate to House bill H. R. 18329, in the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said bill, with the amendments, be respectfully returned to the Senate with a message communicating the resolution, and in compliance with the resolution returned the bill to the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

- S. 3044. An act granting an increase of pension to Lucy McEl Andrews;
 S. 3372. An act granting a pension to Mary A. O'Brien;
 S. 3456. An act to designate parcels of land in the District of Columbia for the purposes of assessment and taxation, and for other purposes;
 S. 4169. An act granting a pension to Galena Jouett;
 S. 4208. An act granting an increase of pension to Bessey Forsyth Bache;
 S. 5718. An act granting an increase of pension to Alma L'Hommedieu Ruggles;
 S. 5732. An act granting a pension to Philip Lawotte;
 S. 5947. An act granting an increase of pension to Florence O. Whitman;
 S. 6152. An act granting an increase of pension to Anne E. Wilson;
 H. R. 12152. An act relating to the payment and disposition of pension money due to inmates of the Government Hospital for the Insane;
 H. R. 15578. An act to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold or silver used in the arts;
 H. R. 17746. An act authorizing the Commissioners of the District of Columbia to furnish Potomac water without charge to charitable institutions, and so forth, in the District of Columbia;
 H. R. 18126. An act to close and open an alley in square No. 806, in the city of Washington, D. C.; and
 H. J. Res. 218. Joint resolution to provide for the removal of snow and ice from the cross walks and gutters of the District of Columbia.

PORTLAND AND OTHER CEMENTS.

Mr. MORGAN. I present a letter addressed by the Director of the Geological Survey to the Hon. Mr. CANDLER, of the House of Representatives, containing very valuable information upon a subject of great importance. It is with reference to Portland cement and other cements, and the material requisite for the manufacture of Portland cement, which is contained in certain parts of the United States in very large quantities and of very excellent qualities. I move that the paper be printed as a document.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate House bill 18329, the agricultural appropriation bill, with the following resolve sent from the House of Representatives.

Mr. HANSBROUGH. Let the resolution be read.

The PRESIDENT pro tempore. The resolution will be read.
 The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
 February 16, 1905.

Resolved, That the amendment No. 208, added by the Senate to the House bill H. R. 18329, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of this House, and that the said bill, with the amendments, be respectfully returned to the Senate with a message communicating this resolution.

Mr. HANSBROUGH. Mr. President, it is to be regretted that the House of Representatives has not given some consideration to the merits of this case, and that it has sought to take shelter beneath the constitutional prerogatives which we all concede to it in the matter of originating legislation for raising revenue. We are now within two weeks of the time when this Congress must adjourn sine die. It is more than ten weeks since the present session convened. Has any measure come to us in all that time from the other end of the Capitol building proposing a check upon the pernicious practice that has grown up in the Treasury Department with respect to the free importation of raw materials by those engaged in the manufacture of articles of export in which such imported material can not be identified? No one here has seen or heard of such a measure.

And yet, Mr. President, for the past six months the Millers' Association has been clamoring for a Treasury Department regulation, the absolute and unqualified effect of which would be the nullification of paragraph 234 of the Dingley law, which imposes a specific duty upon imported wheat of 25 cents a bushel. This fact must have been known to the House or to its managers during all these months. Why has not the House acted upon what it holds to be its sacred right of initiative and sent us a measure to remedy the evil of which we complain? If, as it

claims, it has the sole right to take the first step in legislative matters of this character, we here certainly had a right to expect that something would be done, and when the House failed to act, to do our duty as we saw it. So much for the constitutional prerogative, which appears to operate as a hindrance to right action rather than a help toward common-sense principles.

Now, Mr. President, the amendment which the Senate placed in the agricultural appropriation bill and which the House declares to be detrimental to the dignity of that body, does not, in my judgment, come within the meaning of section 7, Article I, of the Constitution. It applies to a case wherein the head of a Department has undertaken to grant a privilege involving the return to importers of wheat of large sums of money lawfully collected and covered into the Treasury. As I aimed to show in the debate the other day, Congress enacted into the tariff law a provision which clearly and distinctly declares that in the matter of rebates of duty upon exported articles the imported materials in those articles "shall so appear in the completed articles that the quantity or measure thereof may be ascertained." It was shown during the debate here that this provision had been inserted in the act of 1890 on the suggestion of the Treasury Department itself, in order to remove the possibility of fraud in administering the law. Attorney-General Olney upheld this contention in 1894 in an able opinion, and that opinion was followed by the Department until it was reversed in 1898.

Meantime another tariff law had been enacted. Did Congress change its policy as to rebates so as to reverse Mr. Olney? It did not. On the contrary, it placed in the new law the same limitations as to rebates that it found in the old law. This, it seems to me, is most significant. Subsequently a new Attorney-General construed the provision so as to allow rebates on exported articles when the book accounts or affidavits of the exporters showed that the imported materials had been used, not when the imported materials "shall so appear in the completed articles that the quantity or measure thereof may be ascertained." This opinion has been followed by the present Attorney-General in deciding the case arising under the petition of the Millers' Association, with this exception, namely, Attorney-General Moody concludes his opinion with this suggestive language:

I do not wish to be understood as expressing the opinion that the evidence of the books of accounts of the manufacturers is alone sufficient without the aid of other evidence to establish the right of the manufacturer to the drawback. I express no opinion upon that subject, as the nature of the evidence disclosed by them is not before me. The amount and character of the evidence which should be required by you is within your administrative discretion.

This was addressed to the Secretary of the Treasury. Thus, after all, he leaves it with the Secretary of the Treasury to say whether he can administer the law according to its letter and its spirit. The Secretary forthwith issued a regulation under which the book accounts and affidavits of the millers are to be accepted as proof that they used the imported materials in the export articles. And so the law, as it was construed for eight years, is overturned.

Now, Mr. President, a departmental regulation is not a judicial determination of any question. If it were a judicial determination in the matter of rebates on exported flour, and the Senate should put the amendment now under consideration into a bill and send it to the House, I have no kind of doubt that it would be subject to the constitutional objection raised by that dignified body, because, under those circumstances, it would be a measure proposing to raise revenue in a manner declared by a court, not by a Department, to be unlawful. The judicial branch of the Government alone can overturn an act of Congress. It can not be accomplished by a construction placed upon the law by a Department, and when such a thing is attempted, I maintain that it is competent for either House of the legislative branch of the Government to make a declaration of the intent of Congress when the law that it is sought to nullify was passed, and that such a declaration does not infringe upon constitutional prerogatives.

Here, Mr. President, is another question that has never been judicially determined. In the only case that I am able to find which reached the Supreme Court touching the power granted by section 7, Article I, of the Constitution, the court say:

The case is not one that requires either an extended examination of precedents or a full discussion as to the meaning of the words in the Constitution—"bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt by any general statement to cover every possible phase of the subject. (167 U. S., 202.)

What is the real situation? A duty was placed upon wheat for the benefit of several millions of people engaged in grain raising. Congress said to the millers, "If you can use foreign wheat in flour made for exportation so that the foreign wheat can be absolutely identified in the flour by the Treasury officials

by the operation of the senses, not by the operation of occult powers, you shall be entitled to a rebate of duty." The Secretary of the Treasury says to the millers, "Congress did not mean what it said; *I will take your word for it* and give you the rebate." Under this remarkable departmental rule the grain growers of the country can plainly see the protection which Congress gave to them fifteen years ago gradually but surely slipping away. They protest, but they can not go into court to prove that they are about to be injured or that they have been injured. Their only hope is here in the two Houses of Congress.

The Senate, without heat or excitement, conscious of the wrong that is about to be done, knowing the unusual circumstances that surround the case, deliberately and calmly comes to their relief. We are met in the House with the resolution now at the desk.

Mr. President, the Senate must recede. There is no other way. The question is not to be decided upon its merits. The attempt of the Senate to give relief is to go down upon a technicality.

But, Mr. President, there are yet two weeks of time in which the House may "originate" a measure of relief. Let us hope that some Member of that body, although he may approach the task in fear and trembling, may see his way to offer, and the House may conclude to send us a joint resolution declaring that a Department regulation, which all must know is full of harm, is not to be accepted as a judicial construction of law beyond the power of Congress. The House has sent us several measures of late, some, perhaps, which can not be considered, but I venture to speak for the Senate when I say that if such a joint resolution comes to us at any time before midnight on March 3 it will receive favorable consideration.

I propose now, if the Senate will agree with me, to leave the matter with the House, which may conclude to send us a bill giving the needed relief. If it does so the Senate will pass it in two minutes. And so, Mr. President, as a soothing balm to the wounded dignity of our good friends, for whom I have much respect, and some pity, I move that the amendment be disagreed to.

Mr. MORGAN. Mr. President, I wish to make a parliamentary inquiry.

Mr. HANSBROUGH. If a motion to reconsider the vote by which the amendment was adopted is necessary, I make that motion.

Mr. MORGAN. I wish to make an inquiry of the Chair. I desire to inquire of the Chair what is the state of the question before the Senate?

The PRESIDENT pro tempore. The question is on receding from the Senate amendment, to which the Senator from North Dakota has referred, to the agricultural appropriation bill.

Mr. MORGAN. The agricultural appropriation bill, then, is before the Senate?

Mr. TELLER. Is it before the Senate?

The PRESIDENT pro tempore. To that extent.

Mr. BACON. Has the bill been returned?

Mr. TELLER. Is the agricultural appropriation bill before the Senate? I understand that it is in the House of Representatives.

Mr. HANSBROUGH. The bill has been sent back to the Senate.

The PRESIDENT pro tempore. The resolution brought the bill back to the Senate.

Mr. BURROWS. The bill came back with the resolution.

The PRESIDENT pro tempore. The original bill is here. It was brought back with the resolution of the House.

Mr. ALLISON. I suggest that the proper motion is that the Senate recede from its amendment. The Senate is now in possession of the bill.

Mr. HANSBROUGH. That is the motion I made.

Mr. ALLISON. I understand; but some other suggestion was made. I think the motion of the Senator from North Dakota is in order.

The PRESIDENT pro tempore. The Senator from North Dakota moves that the Senate recede from its amendment.

Mr. SPOONER. Is the bill open to amendment? There were a great many amendments made to the bill.

Mr. TELLER. I wish to raise a question of order.

The PRESIDENT pro tempore. The motion is to recede.

Mr. TELLER. A motion to recede is not the proper motion to make in this case.

Mr. SPOONER. There has been no conference in this case.

Mr. TELLER. There has been no conference.

Mr. SPOONER. It is not a question of insisting on an amendment or receding from it.

Mr. TELLER. There is not any question of receding before the Senate.

Mr. SPOONER. I ask unanimous consent that the votes by

which the amendments were ordered to be engrossed and the bill read the third time and passed be reconsidered.

Mr. HALE. That is all right.

The PRESIDENT pro tempore. The Chair is of opinion that a motion to recede is the proper one to make.

Mr. BACON. Mr. President, before the Chair finally rules, I desire to submit a suggestion.

I think the motion of the Senator from Wisconsin is the proper one, for the reason I shall state. It can be done by unanimous consent without any possible doubt as to the propriety of the vote subsequently to be taken thereon. If, however, a motion to recede is the one which is made, it seems to me to be an inevitable conclusion that prior to that there would have to be a reconsideration of the vote by which the bill was passed. But the request of the Senator from Wisconsin, that by unanimous consent the bill be taken from the table, of course cuts whatever Gordian knot there may be, and we go directly to the point, and it is not in violation of any parliamentary rule.

To move to recede from an amendment which was adopted prior to the final passage of the bill it seems to me would be extremely unparliamentary, unless it were preceded by the action of the Senate receding from the vote by which the bill itself was passed by this body. But the request of the Senator from Wisconsin relieves the matter of all parliamentary difficulty and simply takes the amendment off the bill by unanimous consent; that is all.

The PRESIDENT pro tempore. A motion to recede has been made over and over again as conference committees having the bill in charge have reported.

Mr. SPOONER. This is not a conference committee. The bill has never been to conference.

The PRESIDENT pro tempore. No; when returned with a resolution of the House it is brought before the Senate as if by a conference report.

Mr. SPOONER. Is the bill open to amendment in the Senate?

The PRESIDENT pro tempore. The bill would not be open to amendment, as a matter of course, until the votes by which the amendments were engrossed and the bill was read a third time and passed were reconsidered.

Mr. SPOONER. I ask unanimous consent that the votes by which the amendments were ordered to be engrossed and the bill read the third time and passed be reconsidered.

The PRESIDENT pro tempore. The Chair did not understand the request of the Senator from Wisconsin.

Mr. SPOONER. I made that request before, and I make it now.

The PRESIDENT pro tempore. What is the request?

Mr. SPOONER. I ask unanimous consent that the votes by which the amendments were ordered to be engrossed and the bill to be read a third time and by which it was read the third time and passed be reconsidered.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the votes by which the amendments to the agricultural appropriation bill were ordered to be engrossed and by which the bill was read the third time and was passed be reconsidered. Is there objection?

Mr. FORAKER. Mr. President, I do not make any objection; I intend to assent to the request; but before doing so I want to say that I do not believe the position taken by the House in this matter is a correct one—that is to say, I do not believe the constitutional provision that bills for raising revenue shall originate in the House precludes the Senate from originating measures that merely affect the revenue, certainly when they affect reductions in the revenue, or when they affect, as here, the revenue only by providing for a construction of a law that is in force, as I understand this amendment does, governing the disbursement of revenues already raised by paying out the same for drawbacks. This is no time, with the pressure we are all working under, to enter upon a discussion of this very important subject, but this is a question that will arise from time to time in connection with the questions that are arising about tariff between this country and our insular possessions, and sooner or later we must discuss it.

I wish to take advantage of this opportunity to say that I assent because of the peculiar conditions surrounding it, but at the proper time I hope to be able to address the Senate upon the proposition I have tried to enunciate, namely, that the constitutional provision does not prohibit us from legislating so as to reduce revenue or to construe a statute that is in force in the way we proposed by this amendment.

Mr. PATTERSON. Mr. President, I do not intend to offer any objection to the request of the Senator from Wisconsin [Mr. SPOONER], but before it is put and the matter is disposed of, I wish to say a few words relative to the situation.

I think the House of Representatives, in the adoption of the resolution, failed to understand the real situation. This was not an effort upon the part of the Senate to change existing law; that is, it was not an effort on the part of the Senate to change or modify in any degree any law of Congress.

The fact is, Mr. President, that about ten years ago Congress enacted a law with reference to drawbacks on imported articles. Certain smelting industries appeared before Attorney-General Olney, asking for a construction of that particular section of the law; and Attorney-General Olney did construe it, and I recall very well when the Senator from North Dakota [Mr. HANSBROUGH] was reading the opinion of Attorney-General Olney that the senior Senator from Maine [Mr. HALE] gave the opinion of Secretary Olney his unqualified approval. The opinion of Attorney-General Olney simply gave force and vitality to the law as it was passed by Congress.

But three or four years later, Mr. President, this same great syndicate or trust, a great smelting trust, appeared before a succeeding Attorney-General, made new arguments, and the succeeding Attorney-General changed the ruling of the preceding Attorney-General, and in changing the ruling changed the act of Congress. That was the time when either the House or the Senate should have raised its voice in protest, for when any departmental officer attempts by construction to repeal a law, or any part of an act of Congress, it is the duty of the one body or the other, or of both bodies, to enter its or their protest against such procedure.

Therefore, Mr. President, the amendment of the Senator from North Dakota restored the law in part as it had been enacted by Congress. The mistake that the Senator from North Dakota made was in not attempting to restore the law in its entirety as it had been enacted by Congress. His mistake was in selecting a single article—that of wheat—and bringing it back to the law where Congress had placed it, and in omitting ores and other articles of like character from his attempted restoration.

Mr. President, I would agree with the House of Representatives that if it believed the Senate had attempted to change the tariff duty upon any particular article or to withdraw any particular article from the right of drawback as Congress had enacted, there would be reason in the claim of the House that the Senate was attempting to interfere with its prerogatives. But when admittedly the effort of the Senate is to declare the law as it was, and as it would be, were it not for a decision of the head of one of the Departments of the Government whose decision was in the very face and teeth of the law, it is and can be no interference whatever with the rights or prerogatives of the body at the other end of this building.

But I wish to enter my protest now against the construction of laws by the head of any Department for the benefit of any trust or any great industrial enterprises that changes or modifies or in effect repeals the law, and, further, to enter my protest against either body of Congress having substantial complaint against the other when that body, so far as it can, merely attempts to restore the law to its status where Congress and the President of the United States had left it.

That is the position now, and that is the attitude assumed by the House. I can not believe that it assumed that attitude intelligently, with the full knowledge of the real status of the question.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the votes by which these amendments were engrossed and by which the bill was read a third time and finally passed are reconsidered. The bill is before the Senate.

Mr. HANSBROUGH. Now I ask unanimous consent that the vote by which amendment No. 208 was adopted be reconsidered.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the vote by which amendment No. 208 was agreed to be reconsidered. Is there objection? The Chair hears none, and it is reconsidered.

Mr. HANSBROUGH. I now ask the Senate to recede from the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. MORGAN. Mr. President, I think that the House in sending this resolution here, although it is couched in very respectful terms, has entirely transcended its authority under the Constitution. The House has no right to return to the Senate a proposition of any kind upon the ground that the action of the Senate was unconstitutional. It might ask a conference upon it with great propriety, and have the judgment of both Houses taken upon the constitutionality of that provision.

I maintain, Mr. President, that the action of the Senate in the passage of this amendment to the agricultural appropri-

tion bill was altogether right and constitutional. The House has been in the habit of sending us bills called "bills of revenue," or "bills to raise revenue," or "tariff bills," or "tax bills," internal and external, or "customs bills," accompanied with provisions such as the one contained upon which the objection in this case rested, as follows:

An act to provide revenue for the Government and to encourage the industries of the United States.

That is the title of the act in which we find the provision that it is now said we are trying to change in an unconstitutional way. The title of that act indicates very clearly its purposes, being twofold and, as I contend, entirely distinct. One is to raise revenue and the other is to encourage industries. When a bill is enacted into law for that purpose there can be no doubt that two propositions are contained in it. One is the revenue proposition and the other is the proposition to encourage industries.

It so happens that the tariff on wheat—25 cents a bushel—is a revenue measure, and that we have no right to change perhaps by a bill originating in the Senate. But the corresponding or correlative proposition of refunding 99 per cent of that tariff, when it is received upon wheat that is brought in, and the tariff has been paid to the Government, when it is exported to foreign countries, is simply a proposition for the encouragement of manufactures. That is not a revenue proposition. It is giving away the revenue after it has been paid into the Treasury. It gives it back to the miller if he grinds the wheat bought from a foreign country and imported into the United States and exports it for sale and for consumption abroad.

Now, there is a distinct proposition which encourages the miller at the expense of the wheat grower. That is a matter which ought to be rectified, if it can be done; and the Senate of the United States has just as much right to act upon that proposition as the House has. We do not disturb the 25 cents a bushel tariff on wheat. We merely say the giving back of that 25 cents, or of 99 per cent of it, to the mill owner is a matter we have a right to deal with. That is the encouragement of industry, and solely that. You can not say that you are raising revenue when you give 99 cents out of the dollar back to anybody as a condition of trade. That feature of the case is not the raising of revenue; it is the giving away of money from the Treasury of the United States to encourage manufactures.

Just as long as the House sends us bills that contain these distinct propositions and so announce in the title of the act itself, I feel entirely at liberty, under my view of the Constitution of the United States, to vote upon propositions to strike out so much of the express provisions of a bill as is intended merely to encourage manufactures without affecting in the slightest degree the tariffs or the revenues of the country.

The PRESIDENT pro tempore. The question is on agreeing to amendment No. 208.

The amendment was rejected.

Mr. SPOONER. Mr. President, I wish to say a word, and only a word, about this matter. I never supposed when the act was passed that the drawback clause included wheat and some other items. But I can not agree with the Senator from Alabama, and I do not quite agree with the Senator from Ohio, although I do not care to enter into a discussion of the question. I think the clause of the Constitution which says "all bills for raising revenue shall originate in the House of Representatives" uses the word "raising" in a generic sense. I do not think it means simply raising duties. Oftentimes revenue is raised by lowering duties. I think it means, in a strict sense, affecting revenue.

Mr. TELLER. Concerning revenue.

Mr. SPOONER. Concerning revenue. The Constitution does certainly confer upon the House by that clause an exclusive right, so far as this class of measures is concerned. Tariff bills can not originate in the Senate. That is an impossibility.

This is an agricultural appropriation bill. There was not an item in it which dealt with the revenue, and I think it was entirely without the right of the Senate to include in it the amendment to which the House objects. As construed, it amounted to free wheat for export. Whether the Attorney-General has correctly construed the law or not is a question of opinion. He has construed it one way, as Attorney-General Olney construed it the other way. Attorney-General Griggs and Attorney-General Moody construed it differently from the construction placed upon it by Attorney-General Olney.

It is not the function of Congress to construe acts of Congress. That is the function of the judicial department of the Government. Congress and legislatures may pass acts of legislative construction, but they are operative only to change the law from the passage of the legislative act of construction; they are not retroactive so as to bind as to the past.

So this proposition which has passed here absolutely changes the law. It is not simply a matter of construction, but it says:

That paragraph 234 of the act of July 24, 1897, entitled, etc., shall not be held to be affected by the provisions of section 30 of said act. Section 30 being the general drawback section.

I think, Mr. President, the House was not called upon to non-concur in the amendment and ask, as in ordinary cases, for a conference. That would have admitted the right of the Senate to incorporate the amendment. If the Senate might make this amendment it is difficult to limit the power of the Senate in incorporating amendments which affect the revenue.

Mr. MORGAN. I will state the difference between the Senator from Wisconsin and myself. I contend that it does not concern or affect the revenue, for the revenue has been collected on every bushel of the imported wheat and paid into the Treasury, and the question here is only the question of drawback or rebate; that is all.

Mr. SPOONER. Well, Mr. President, the act is an entirety. It is a matter of general national policy. For the purpose of enlarging the foreign commerce of the United States Congress has provided that certain articles may be imported practically free for export purposes.

Mr. MORGAN. Does not the Senator agree now that if this amendment should stand the Secretary of the Treasury would have no right under the law, as thus amended, to pay the rebate to the millers who grind this wheat? If he does make a payment to them for grinding this wheat and exporting it, is it not taking money out of the Treasury and not connected at all with the raising of revenue or concerning revenue, but a mere donation from the Treasury to the millers because they have brought in foreign wheat, ground it up, and sent it abroad and sold it?

Mr. SPOONER. Mr. President—

Mr. BAILEY. If the Senator from Wisconsin will permit me to interpose there, would they ever have made this rebate if they had not first paid the duty?

Mr. MORGAN. It is a rebate on the duty.

Mr. SPOONER. The rebate is simply a reduction of the duty; carrying out the policy of Congress.

Mr. BAILEY. It is a reduction of the duty.

Mr. SPOONER. It is practically a free importation of the raw material for export. That is what it amounts to.

Mr. BAILEY. It is a reduction of the duty.

Mr. SPOONER. And this amendment, so far as it affects it, absolutely changes it and exempts this particular item from the general drawback policy of the Government. So it does distinctly affect the revenue.

Mr. BAILEY. In other words, the larger the drawback the smaller is the duty in the end.

Mr. SPOONER. Certainly. I think that the House of Representatives is not to be castigated because it has not passed a joint resolution—

Mr. FORAKER. If the Senator does not object to my interrupting him, I wish to suggest that this proposition is a rebate or a drawback, which operates only in the individual cases that arise where that provision of law can be applied. It does not affect the duty generally. I think that what the Senator from Alabama [Mr. MORGAN] says is the correct view to take of it, that the tariff duty is levied, the money is collected; it is in the Treasury; and this is a question of disbursement, and not a question of raising revenue or affecting the revenue, for, after the action of the Secretary, as well as before, importers must, when they bring wheat into this country, pay the tariff duty which is prescribed. It is a question whether what takes place afterwards entitles them to a rebate or drawback.

Mr. SPOONER. That argument amounts to this: That in an appropriation bill it is entirely competent for the Senate to incorporate an amendment changing the entire fiscal policy of the United States so far as the free importation of raw materials for export is concerned.

Mr. FORAKER. That is a different question. I was not speaking as to whether or not this appropriation bill would be an appropriate place for such legislation, but whether or not we have the power to say that there shall be no further conformance to a construction by a Department which has been made.

Mr. SPOONER. I very much defer to the opinions of my friend from Ohio [Mr. FORAKER], but I want to say that I think the House of Representatives, in a very respectful and dignified way, has called our attention to a real invasion of its constitutional privilege and that the Senate is proceeding to do in a dignified and proper way what it ought to do in eliminating this amendment from the bill.

Mr. PETTUS. Mr. President, if in order, I desire to make a motion that the Senate reconsider its proceeding by which

this bill was reported to the Senate from the Committee of the Whole with a view of making a point of order on the amendment.

Mr. SPOONER. That has all been done, I think.

Mr. PETTUS. I desire to make this motion with a view of stating, Mr. President, that this amendment is not germane to the agricultural appropriation bill, in the first place; and that, in the next place, it is tariff legislation, which can only originate in the House of Representatives.

The PRESIDENT pro tempore. The amendment is not in the bill. By a vote of the Senate it has been stricken from the bill. So the amendment is no longer under consideration.

Mr. BACON. Mr. President, I do not desire to unduly trespass upon the time of the Senate at this hour, and I shall be very brief. I think, however, as this matter has developed some difference of opinion among Senators, and as it is one which will probably attract some attention by a coordinate part of the legislative branch of the Government, there should not be any doubt as to how some of us stand upon it, or at least that it may be known that the attitude as expressed by some Senators is not the attitude of all the Senate.

I simply want to say that, without reference to this particular amendment, I quite agree with the statement made by the Senator from Wisconsin [Mr. SPOONER] that any legislation which affects or concerns the revenue is legislation which should originate with the House of Representatives, and I shall, whenever my attention is called to it, be always ready to accord that recognition. I think that we should be jealous of the prerogatives which particularly belong to us, and I am equally ready to recognize the prerogatives which belong to the House of Representatives. I think this is one of their prerogatives, without limitation or qualification.

Mr. TELLER. Without taking time, I only want to say on this subject that I fully agree with the Senator from Wisconsin [Mr. SPOONER] in his contention in regard to this matter.

Mr. MONEY. Mr. President, I was a member of the committee that had charge of this appropriation bill as it came from the other House and which reported the amendments to it. I was not aware until last night that this particular amendment formed part of the bill. But I desire to express my opinion about the action of the House of Representatives. There is no difference in my mind between originating and amending tariff legislation; so that if we have power to amend a House bill we have power to originate on the same subject.

I think that the House has acted very promptly and very spiritedly in protecting its constitutional rights. Such an item as that which was adopted on the motion of the Senator from North Dakota [Mr. HANSBROUGH] has never before been placed on this bill. I am glad the House has taken the action, and I am gratified also that the Senate feels unanimously that it is its duty to take the amendment away from the bill.

Mr. PATTERSON. Mr. President, I should like to ask the Senator from Mississippi a question.

Mr. MONEY. Certainly.

Mr. PATTERSON. Does the Senator from Mississippi consider the action of the Senate in this case as falling within that of which the House complains? Now, briefly, this is the situation: Congress enacted a tariff law; the law contained a provision with reference to drawbacks; the head of one of the Executive Departments construed that law in accordance with the clear-cut provision of the statute; later another head of a Department construed it the other way, and took the life out of the law as Congress passed it. Now, if either branch of Congress declares the law, as it was originally, was in conflict with the last construction of the head of a Department, is that the evil of which the House complains in this resolution?

Mr. MONEY. The House seem to complain, I will say in reply to my friend from Colorado, that we have intrenched upon their prerogatives of originating revenue bills, their constitutional right to originate all bills affecting the revenue; and a bill to raise revenue is the general title of everything that concerns revenue, even if it reduces or modifies it in any way whatever. It is perfectly immaterial what may have been ruled by successive Attorneys-General, still the House has a right, upon constitutional grounds, to say whether we have intruded upon their prerogative; and in this case it is simple and clear to my mind that we have done so. The House, as promptly as possible, acted in a very proper way to declare that we have so done, and we have, I think, very promptly come to the conclusion that we were wrong about it and are about to recede or to reconsider our action, and the whole matter is settled, so far as I can see. The House has done its duty and preserved its constitutional functions from invasion by this Senate, and this Senate only performs its duty in retiring from

the position which it had occupied temporarily and without, I think, proper consideration.

The PRESIDENT pro tempore. Shall the amendments be ordered to be engrossed?

Mr. PATTERSON. One moment, Mr. President. Do I understand the position of the Senator from Mississippi to be that after Congress passes a tariff law, no matter what the ruling of the head of a Department may be as to a particular provision of the law, no matter how that ruling may destroy the provision that is in question, the Senate has no right in any way, except in a measure originating in the other House, to attempt to restore the law or to give vitality to the law as Congress enacted it?

Mr. MONEY. The House did not restore the law nor did the Senate. This is not any part of the law. But still I stand upon the proposition of constitutionality, that the House alone has the right to do anything concerning the revenue—that is, the levying of taxes upon the people. The House is the representative of the people, who pay taxes; the Senate is the representative of the States, who do not pay taxes. It was a wise provision of the Constitution that the people's representatives should first institute anything that looks to the levying of taxes upon them; and it makes no difference whether such legislation reduces or modifies or qualifies in any way, the initiative must be with the House of Representatives. The ruling of the Attorney-General has nothing to do with the rights of the House in the case.

The PRESIDENT pro tempore. The question is, Shall the amendments be ordered to be engrossed and the bill read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of the Indiana Division, Travelers' Protective Association, praying for the enactment of legislation to prevent the rulings of the Interstate Commerce Commission from being stayed by appeals; which was referred to the Committee on Interstate Commerce.

Mr. BLACKBURN presented a petition of the Board of Trade, the Commercial Club, and sundry citizens of Louisville, Ky., praying that an appropriation be made for the improvement of the Falls of the Ohio; which was referred to the Committee on Commerce.

Mr. PERKINS presented memorials of the Walnut Growers' Association of Santa Barbara; of the Jobbers' Association of Sacramento; of the Miller-Chapin-Enwright Company, of Sacramento; of the J. K. Armsby Company, of Ventura; of the California Liquid Asphalt Company, of Santa Barbara; of the Chamber of Commerce of Lompoc, and of the Turner Shoe Store, of Santa Ana, all in the State of California, remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. McCREARY presented a resolution of the legislature of Kentucky, requesting Senators and Representatives in Congress from that State to use their influence in securing an appropriation to improve Pond River and construct locks and dams thereon; which was read and referred to the Committee on Commerce, as follows:

THE COMMONWEALTH OF KENTUCKY,
IN HOUSE OF REPRESENTATIVES,
Friday, February 10, 1905.

Mr. Lochry offered the following resolution, viz:

"Be it resolved by the house of representatives of the Commonwealth of Kentucky. That our Senators and Representatives in the Congress of the United States be, and they are hereby, requested to use their influence in securing an appropriation to be used in improving Pond River and constructing locks and dams thereon, so as to provide slack water, the same making it navigable the entire year.

"That a copy of this resolution be sent by the clerk of this house to each member of the said Senate and House of Representatives of the United States."

Which was adopted.

Attest:

JAMES E. STONE,
Chief Clerk, House of Representatives.

Mr. McCUMBER presented the petition of N. E. Landeene and 40 other citizens of Carrington, N. Dak., praying for the passage of the so-called "Townsend railroad-rate bill;" which was referred to the Committee on Interstate Commerce.

Mr. FOSTER of Washington presented a petition of Mount Tacoma Lodge, No. 403, Brotherhood of Railroad Trainmen, of Tacoma, Wash., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

Mr. DIETRICH presented a petition of sundry citizens of Cortland, Nebr., praying for the enactment of legislation to

amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

REPORTS OF COMMITTEES.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 5533) correcting the record of Harris Graffen, to report adversely thereon. I move that the bill be postponed indefinitely, as I am instructed to report favorably a similar bill which has passed the House of Representatives.

The motion was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 5594) for the relief of Robert G. Carter, United States Army (retired), submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5052) granting an honorable discharge to Eugene H. Ely;

A bill (H. R. 659) correcting the record of Harris Graffen;

A bill (H. R. 778) to remove the charge of desertion from the military record of Nicholas Swingle;

A bill (H. R. 2848) for the relief of Capt. Ferdinand Hansen;

A bill (H. R. 17175) for the relief of Capt. Frank D. Ely;

A bill (H. R. 18317) correcting the military record of George H. Pidge, of North Loup, Nebr.;

A bill (H. R. 8413) for the relief of John Gretzer, jr.;

A bill (H. R. 16266) to remove the charge of desertion from the record of Henry Beeger; and

A bill (H. R. 15763) granting an honorable discharge to Frederick H. Stafford.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11501) granting an increase of pension to Sarah S. Mulcahey;

A bill (H. R. 14395) granting an increase of pension to Frank Loveley;

A bill (H. R. 3406) granting an increase of pension to Thomas J. Peaks;

A bill (H. R. 15913) granting an increase of pension to Hiram R. Frelove;

A bill (H. R. 15931) granting an increase of pension to Ephraim L. Mack; and

A bill (H. R. 17523) granting an increase of pension to Mary A. Paul.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 14125) granting an increase of pension to Joel Hudson;

A bill (H. R. 14785) granting an increase of pension to Warren C. Gilbreath;

A bill (H. R. 15008) granting an increase of pension to Engelhardt Roemer;

A bill (H. R. 15751) granting an increase of pension to Aglaé Bache;

A bill (H. R. 18806) granting a pension to Baron Proctor;

A bill (H. R. 15337) granting an increase of pension to Levi L. Martz;

A bill (H. R. 15950) granting an increase of pension to Edward J. Lewis;

A bill (H. R. 2017) granting an increase of pension to Johan Mohr;

A bill (H. R. 9580) granting an increase of pension to John Knight;

A bill (H. R. 6714) granting an increase of pension to George E. Pierson;

A bill (H. R. 12157) granting an increase of pension to Asher D. Bice;

A bill (H. R. 1900) granting an increase of pension to Samuel Visnow;

A bill (H. R. 13654) granting an increase of pension to Thomas H. Soward;

A bill (H. R. 12158) granting an increase of pension to Lyman L. Smith;

A bill (H. R. 1887) granting an increase of pension to William J. Stewart;

A bill (H. R. 15642) granting an increase of pension to John H. Coonrod;

A bill (H. R. 6324) granting an increase of pension to John H. McKee;

A bill (H. R. 5691) granting an increase of pension to Henry Rinehart;

A bill (H. R. 15679) granting an increase of pension to James G. Butler;

A bill (H. R. 14232) granting a pension to Pauline W. Stuckey;

A bill (H. R. 1551) granting an increase of pension to Edward S. Clithero;

A bill (H. R. 1892) granting an increase of pension to John Gibson;

A bill (H. R. 15925) granting an increase of pension to Nellie Barrett;

A bill (H. R. 2741) granting an increase of pension to William H. Smith;

A bill (H. R. 4636) granting an increase of pension to Martin J. Severance;

A bill (H. R. 5044) granting an increase of pension to Joseph L. Croskrey;

A bill (H. R. 3239) granting an increase of pension to Daniel Ford; and

A bill (H. R. 14613) granting an increase of pension to Samuel E. Rumsey.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (H. R. 15390) granting an increase of pension to Augustus C. Foster, reported it with an amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3175) granting an increase of pension to James H. Pemberton;

A bill (H. R. 3526) granting an increase of pension to Mary H. Walker;

A bill (H. R. 10081) granting an increase of pension to William A. Russell;

A bill (H. R. 11746) granting an increase of pension to Isaiah Waltman;

A bill (H. R. 12349) granting an increase of pension to Thomas D. Horner;

A bill (H. R. 9517) granting an increase of pension to Joseph Starr;

A bill (H. R. 12558) granting an increase of pension to George Van Horn;

A bill (H. R. 15960) granting an increase of pension to David H. Lee;

A bill (H. R. 6607) granting an increase of pension to John Blair;

A bill (H. R. 15648) granting an increase of pension to Joseph Sawyer;

A bill (H. R. 15861) granting an increase of pension to Charles O. Lapham;

A bill (H. R. 15616) granting a pension to Christopher C. Krepps;

A bill (H. R. 15210) granting an increase of pension to Isaac N. Hawkins;

A bill (H. R. 4680) granting a pension to Jonas Ball; and

A bill (H. R. 14569) granting a pension to Maggie Weygandt.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (H. R. 11743) granting an increase of pension to Charles H. Baird, reported it with an amendment, and submitted a report thereon.

Mr. FOSTER of Washington, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8791) granting a pension to Mae H. Tyler;

A bill (H. R. 18345) granting an increase of pension to Thomas S. Peck;

A bill (H. R. 16073) granting an increase of pension to James B. Miller; and

A bill (H. R. 15720) granting an increase of pension to William T. Finch.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8820) granting an increase of pension to Thomas L. Judd;

A bill (H. R. 12411) granting an increase of pension to Joseph D. Walser;

A bill (H. R. 18683) granting an increase of pension to John Schneider;

A bill (H. R. 3900) granting an increase of pension to William W. Donham;

A bill (H. R. 11142) granting an increase of pension to Charles H. L. Groffmann;

A bill (H. R. 18778) granting a pension to Francis Gentzch;

A bill (H. R. 17013) granting an increase of pension to George P. Finlay;

A bill (H. R. 15000) granting an increase of pension to Isabel Nichols;

A bill (H. R. 3437) granting an increase of pension to William B. Shepard;

A bill (H. R. 14481) granting an increase of pension to Albert H. Estes; and

A bill (H. R. 14071) granting a pension to Cole B. Fugate.

Mr. BALL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 17918) granting an increase of pension to Hiram H. Terwilliger;

A bill (H. R. 17090) granting an increase of pension to Catharine Conway;

A bill (H. R. 17922) granting an increase of pension to Ann E. Snyder;

A bill (H. R. 14925) granting an increase of pension to Robert T. Porter;

A bill (H. R. 14665) granting an increase of pension to Harriet H. Heaton;

A bill (H. R. 9430) granting an increase of pension to Stephen Houghtaling; and

A bill (H. R. 5390) granting an increase of pension to Katharina A. Mueller.

Mr. HEYBURN, from the Committee on Manufactures, to whom were referred petitions submitted on the 16th instant by the senior Senator from Pennsylvania [Mr. PENROSE] for his colleague [Mr. KNOX], praying for the enactment of legislation to prohibit the fraudulent stamping or marking of manufactures of gold and silver, asked to be discharged from the further consideration of the petitions, and that they be referred to the Committee on Interstate Commerce; which was agreed to.

AMERICAN REGISTER FOR STEAMER BROOKLYN.

Mr. STONE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 179) to provide an American register for the steamer *Brooklyn*, to report it favorably without amendment. I ask unanimous consent for its consideration at this time.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Missouri, from the Committee on Commerce, reports a bill for which he asks immediate consideration. Is there objection?

Mr. KEAN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go to the Calendar, under the objection by the Senator from New Jersey [Mr. KEAN].

DELEGATE FROM ALASKA.

Mr. BARD. Mr. President, on behalf of the Committee on Territories, I ask that the bill (S. 3339) providing for the election of a Delegate to the House of Representatives from the district of Alaska be recommitted to that committee. The bill has heretofore been reported from the Committee on Territories. It is now on the Calendar, and it is desired to have the bill recommitted for further consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and the bill will be recommitted to the Committee on Territories.

JANE HOLLIS.

Mr. McCUMBER. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 7206) granting a pension to Jane Hollis, to report it without amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Jane Hollis, widow of Richard Hollis, late of Company K, Fifth Regiment Michigan Volunteer Cavalry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DIETRICH introduced a bill (S. 7208) to provide for an Alaska government board, a Delegate to Congress, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. CARMACK introduced a bill (S. 7209) for the relief of the heirs of Allison Nailor, sr., deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. McCOMAS introduced a bill (S. 7210) granting an increase of pension to C. M. Suter; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GAMBLE submitted an amendment proposing to appropriate \$50,000 for improving the Missouri River at Yankton, S. Dak., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$50,000 for improving the Missouri River at and adjacent to the mouths of the James and Vermilion rivers, in the State of South Dakota, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate \$150,000 for a dredge for harbor and other work on the Mississippi and Alabama coasts of the Gulf of Mexico, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to increase the appropriation for general improvement of the Missouri River from \$150,000 to \$200,000, and providing that \$50,000 of said amount shall be expended for improving the harbors at Bismarck, Manhaven, and Washburn, in North Dakota, etc., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LONG submitted an amendment authorizing the Court of Claims to reinstate on its docket the case of the Citizen Band of Pottawatomie Indians v. The United States, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

GOVERNMENT OF THE CANAL ZONE.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (S. 7207) to provide for the government of the Canal Zone at Panama, and for other purposes; which was ordered to lie on the table and be printed.

AMENDMENT TO PUBLIC BUILDINGS BILL.

Mr. McENERY submitted an amendment intended to be proposed by him to the bill (H. R. 18973) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FLOOD WATERS OF THE RIO GRANDE.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (H. R. 17939) relating to the construction of a dam and reservoir on the Rio Grande, in New Mexico, for the impounding of the flood waters of said river for purposes of irrigation, and providing for the distribution of said stored waters among the irrigable lands in New Mexico, Texas, and the Republic of Mexico, and to provide for a treaty for the settlement of certain alleged claims of the citizens of the Republic of Mexico against the United States of America; which was ordered to lie on the table, and be printed.

CONSIDERATION OF PENSION BILLS.

Mr. BURNHAM. I ask unanimous consent for the consideration of the last three Senate pension bills on the Calendar.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none, and the bills referred to will be considered in their order:

HELEN S. WRIGHT.

The bill (S. 6930) granting an increase of pension to Helen S. Wright was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen S. Wright, widow of William Wright, late acting master, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHESTER E. DIMICK.

The bill (S. 194) granting an increase of pension to Chester E. Dimick was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Chester E. Dimick, late of Company H, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYMAN H. LAMPREY.

The bill (S. 568) granting an increase of pension to Lyman H. Lamprey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lyman H. Lamprey, late of Company H, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIABILITY OF COMMON CARRIERS.

Mr. MARTIN. Mr. President, I desire to call the attention of the Committee on Interstate Commerce to the bill (S. 4092) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees. It is the bill generally known as the "employers' liability bill." I wish to say that this bill was referred to the Interstate Commerce Committee more than twelve months ago. I simply desire to invite the attention of the committee to it. It is to be hoped that some report, either favorable or adverse, will be made at an early date. I do not at present move to discharge the committee from the further consideration of the bill, but I feel that it is proper for me to call this matter to the attention of the committee and invite them to consider it and give us a report.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the Senate proceed to the consideration of the District of Columbia appropriation bill.

There being no objection, the Senate resumed the consideration of the bill (H. R. 18123) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes.

Mr. ALLISON. As I understand the situation of the bill, it is now in the Senate and there was a separate vote asked for on concurring in two amendments which have been fully debated. I hope we shall now have a vote.

Mr. HOPKINS. Mr. President, before the vote is taken on the amendment—

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. On page 19, line 16, after the word "dollars," the Senate, as in Committee of the Whole, inserted:

And the limit of cost of said building, including cost of site, is hereby increased from \$2,000,000 to \$2,500,000.

So as to make the clause read:

For continuing work on the municipal building for the District of Columbia, \$300,000; and the limit of cost of said building, including cost of site, is hereby increased from \$2,000,000 to \$2,500,000.

The PRESIDING OFFICER. The question is on concurring in the amendment which has been stated.

Mr. HOPKINS. Mr. President, it is not my purpose to take up any of the time of the Senate, but yesterday when this amendment was under discussion some reference was made to the fact that there would be an increase in the expenditure for the construction of this building by reason of the District Commissioners having selected architects outside of the architect of the Treasury Department. The Senator in charge of the bill will correct me if I am mistaken, but as I am now informed the architects have already prepared the plans and specifications, and so far as their work is concerned they are not required to do any more, if the appropriation is increased \$500,000 by the adoption of this amendment, than they will be if the limit is kept down to \$2,000,000. If the additional \$500,000 is allowed as proposed in the pending amendment, it means voting \$25,000 extra compensation to the architects without any equivalent service upon their part.

I am informed that is the fact, and if I am wrong I desire

to be corrected, but if I am right in it I simply invoke that as an additional argument against the adoption of this amendment. I invoke it because I believe it is bad policy to permit architects outside of Government service to engage in the preparation of plans and specifications when we have an adequate force to do that kind of work. The best Federal buildings constructed in this country have been designed by Government architects, and when we have gone outside we have run into scandals and the troubles such as we have experienced in Chicago in the erection of the Federal building there. Had we adhered to the plan that originally prevailed, Mr. President, in matters of this kind, and had the Government architect in the Treasury Department prepared the plans and specifications, we would have saved from five hundred thousand to a million dollars on the construction of the building in Chicago, and we would have had a building which in ornamentation and usefulness would have been far superior to the building we are now to get there.

There is another suggestion I desire to make, and that is about the manner in which the plans have been prepared and contracts let by the Commissioners. I simply state what information has been conveyed to me, and if I am misinformed I desire to be corrected by the chairman of the committee having this bill in charge. But my understanding is that instead of letting to one contractor the contract to prepare the granite and put it in place in the building two contracts have been made, one for the cutting and the delivery of the granite and another for putting it into the building. If that be true, I am credibly informed by contractors who are entirely familiar with this kind of work that in a building of the proportions and the cost of this building it will involve an additional expense of at least \$75,000 to permit two contractors to control the preparation, the delivery, and the placing of the granite in the building instead of one, because contractors familiar with this matter say that where the contractor has the entire contract of preparing, cutting, and delivering the stone he can place it in the building nearly as cheaply as he can pile it up, to be taken by another contractor subsequent to its delivery and by the second contractor placed in the building.

These are some of the considerations, Mr. President, which move me to make the objection I have made to the amendment, and I have presented them to the Senate so that if I am correctly informed the Senate can reject the \$500,000 proposed amendment and can save that much to the Treasury. If I am not correct in it, then I think it is due to me and to others who feel as I do that this matter should be set right publicly and the Commissioners should be vindicated for the economical manner in which it is claimed by their friends they have proceeded.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. ELKINS. I want a call of the Senate before the vote is taken, and I desire a yea-and-nay vote. I wish to speak on the question first.

The PRESIDENT pro tempore. This is not the amendment to which the Senator from West Virginia refers.

Mr. ELKINS. I understand this is the amendment to which the Senator from Illinois [Mr. HOPKINS] was speaking.

Mr. HOPKINS. This is the amendment to which the Senator from West Virginia directed his remarks yesterday—

Mr. ELKINS. Yes.

Mr. HOPKINS. And he expressed a great desire that the Senate should have a vote upon it when the time came.

The PRESIDENT pro tempore. On this question the Senator from West Virginia demands the yeas and nays. Is there a second? In the opinion of the Chair not a sufficient number up. The yeas and nays are refused.

Mr. ELKINS. I suggest a call of the Senate. There is not a quorum here—in fact, not enough Senators to demand the yeas and nays.

The PRESIDENT pro tempore. The Senator from West Virginia demands a call of the Senate. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison	Crane	Frye	Overman
Ankeny	Cullom	Gallinger	Patterson
Bacon	Dick	Gorman	Penrose
Bate	Dietrich	Hale	Perkins
Berry	Dolliver	Hopkins	Pettus
Blackburn	Dryden	Kean	Simmons
Burnham	Dubois	Kearns	Spooner
Carmack	Elkins	Kittredge	Stewart
Clark, Mont.	Fairbanks	McComas	Tallaferro
Clark, Ark.	Foraker	McEnery	Teller
Clay	Foster, La.	Nelson	
Cockrell	Foster, Wash.	Newlands	

The PRESIDENT pro tempore. On the roll call 46 Senators have answered. There is a quorum present.

Mr. ALLISON and Mr. ELKINS addressed the Chair.

Mr. ALLISON. The Senator from West Virginia may proceed.

Mr. ELKINS. No; let the Senator from Iowa go on.

Mr. ALLISON. I would prefer to have the Senator from West Virginia proceed.

Mr. ELKINS. Mr. President, I suggested the absence of a quorum because I wanted Senators to be present and know what was being voted on.

This is a motion to disagree to an amendment reported to the Senate by the Committee on Appropriations of the Senate, and I will read it for the information of Senators. It is on page 19 of the bill. The House text is as follows:

For continuing work on the municipal building for the District of Columbia, \$300,000.

That is what the House did. The Committee on Appropriations of the Senate reported this additional language:

And the limit of cost of said building, including cost of site, is hereby increased from \$2,000,000 to \$2,500,000.

Here is \$500,000 put on the bill that we can do without. It is in testimony here that a \$2,000,000 building will be amply sufficient. I had a part of the hearings before the House committee inserted in my remarks yesterday showing that \$2,000,000 will make a beautiful building, ornamental, with granite front, and I do not see the necessity of the \$500,000 being added. There is \$274,000 now available to be expended this year on this building. I make this appeal to the Senate on the ground of economy and on the ground that we have not any money in the Treasury. We are appropriating money when we have none, and we must borrow to pay it.

Mr. PATTERSON. Will the Senator from West Virginia state what the additional \$500,000 is supposed to be for?

Mr. ELKINS. To make a better building, to make a more beautiful building; possibly to make a little larger building. I do not know what it is for except that.

Mr. CLAY. The Senator surely does not intend to say that it is for the purpose of making a larger building. It was shown in the arguments made by the Commissioners that originally fifteen hundred thousand dollars was appropriated for the building and \$500,000 for the land, and they ask for \$500,000 additional for granite or stone. If the \$500,000 additional is not granted, it was shown to the Committee on Public Buildings and Grounds that the Commissioners will go ahead and erect a building of brick, and a building of this class, located where this is to be located, ought not to be constructed of brick.

Mr. GALLINGER. Will the Senator from West Virginia permit me for a moment?

Mr. ELKINS. To ask me a question?

Mr. GALLINGER. No; I want to inform the Senator a little.

Mr. ELKINS. Very well.

Mr. GALLINGER. Mr. President, I have no disposition to use any time unnecessarily. I desire to have the pending bill passed as speedily as possible in the interest of public business.

The Senator from West Virginia is enamored of the House and what the House has done, and he wants us to accept the action of the House without any change. The Senator does not argue that way on other bills which come from that distinguished body. But I will not more than make that suggestion. If the Senator had examined the printed hearing before the Senate committee he would have obtained better information than he got from the hearings before the House committee; and I commend those hearings to the Senator's careful and prayerful attention.

Mr. President, we had a hearing before the Senate committee. The Commissioners said:

We desire to represent to the committee the very great necessity for increasing the limit of cost from \$2,000,000 to \$2,500,000, in order that we may have a building of stone rather than of brick or stone in that conspicuous place on Pennsylvania avenue and for the lasting use of the government of the District of Columbia.

The original estimate of the Commissioners was \$2,500,000. The original limit of cost was \$1,500,000. Congress at the same time designated that site to be purchased, fixing the limit of its cost at \$550,000. The Secretary of the Treasury bought the site as directed by Congress, and paid the whole amount, \$550,000. The site, because of its character, because of the water that is under it, required special treatment by piling in order to make a suitable foundation, and that cost \$50,000 more than the cost of a suitable foundation in a different character of soil. So the site cost \$600,000, which had to be taken out of the amount limited for cost.

These are some of the reasons given by the Commissioners, and the matter is further elaborated in the printed hearing.

Mr. President, I had hoped that the Senator from West Virginia would not pursue his opposition to this item in the bill.

It is absolutely required if we are to have a building of granite or marble. If we want a cheap building of brick with stone trimmings, we can get it probably for \$2,000,000, but I feel sure that the Senate will not agree to that proposition. If the limit of cost is increased, as it ought to be done, no further expenditure will be made so far as the size of the building is concerned, and without losing a considerable amount of money, already expended for architect's fees, etc., the building can not be made any smaller, as new plans would be required.

Mr. President, we are building two structures for the use of Congress, one for the other House and one for the use of the Senate, and each of them will cost more than will this building for the municipal government for the District of Columbia. The Senator finds no fault with that. He is willing that we shall go on and spend, as we should spend, over two millions and a half for the building for the accommodation of Senators who have not adequate accommodations in the Capitol. The Senator's notions of economy do not lead him in that direction.

I will say to the Senator from Illinois [Mr. HOPKINS] that the Commission of which I chance to be a member, having in its charge the construction of the Senate building, is employing architects other than the Architect of the Treasury Department. So is the House commission. It is the custom to do this, and under the law it is authorized to be done.

Mr. President, that is all I care to say about the matter.

Mr. HOPKINS. Before the Senator from New Hampshire takes his seat, I should like to ask him a question.

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from New Hampshire yield to the Senator from Illinois?

Mr. GALLINGER. I have yielded the floor, but will answer the Senator from Illinois.

Mr. ELKINS. The Senator from New Hampshire took the floor in my time. He asked for time.

Mr. GALLINGER. I had the floor by the kindly courtesy of the Senator from West Virginia.

Mr. ELKINS. The Senator from New Hampshire said he was going to inform me.

Mr. GALLINGER. I thought I did.

Mr. ELKINS. The Senator informed the Senate.

Mr. GALLINGER. I will hand the Senator the document from which I read. It is on page 21. Read it.

Mr. HOPKINS. I desire to say that I regret that the Senator and his associates have taken an architect outside of the Government service to prepare plans and specifications for the building for the accommodation of Senators, and I should like to ask him if under that arrangement they pay the architects a commission, and if so, how much of a commission?

Mr. GALLINGER. The Senator's colleague [Mr. CULLOM] is chairman of the commission, and I think he has acted very wisely in the action he has taken.

Mr. HOPKINS. I know my colleague, when left to his better judgment, always acts wisely and well; but I do not know how far he has been influenced by his associates.

Mr. ELKINS. Mr. President, possibly if we had the money, if it was in the Treasury, I might withhold my objection to this item; but here we are facing a deficit of \$20,000,000. We have not the money. We can get along with a building costing \$2,000,000 as well as with one costing two millions and a half. The \$500,000 is to make a presentable building, to make it æsthetic in its proportions, a beautiful buildings, as I understand. Mr. President, Senators have lost sight of one factor in discussing this question. For the \$2,000,000 the District can have a granite front instead of stone. That is the way I read the testimony. That is what I learn.

Mr. GALLINGER. Stone trimmings.

Mr. ELKINS. Will not granite be quite as handsome? I think I would prefer the granite to stone. It is just giving \$500,000 for ornamentation.

Mr. GALLINGER. The proposition is to build the structure of granite. That is what the additional money is wanted for.

Mr. ELKINS. I accept the statement of the Senator from Georgia [Mr. CLAY]. Possibly I was misinformed as to increasing the size of the building. I said that because I could not imagine what they wanted with \$500,000 if they did not want a larger building. I did not think it was all for looks and show, to be paid out of the people's money, when we have not got it, when we have to tax the people or borrow the money to get it. That is what you have to do. You must build this building on borrowed money. This is building a public building and borrowing the money to build it with.

Mr. GALLINGER. Does the Senator argue that we ought to erect the Senate building of brick? We could save a good deal of money if we did.

Mr. ELKINS. Not the front. I mean partly using brick.

Mr. GALLINGER. We are going to have three fronts to that building.

Mr. ELKINS. I do not know about that. I know one thing. There are three District Commissioners, with their staffs, and the Senator wants to compare them with the Senate of the United States—the ninety Senators and their staffs—for working purposes. You voted \$3,000,000 for the building. I would oppose it if it came up at this time, with \$20,000,000 deficit in the Treasury. But it is not a parallel case to cite here, that the three Commissioners of the District, with their clerks, should have as fine and commodious quarters as the Senate of the United States; not at all.

Mr. SPOONER. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Wisconsin?

Mr. ELKINS. With pleasure.

Mr. SPOONER. I am asking only for information. I always sympathize with the Senator from West Virginia in any struggle he makes for economy. I will ask him whether the courts are not to be held in this building, or whether it is to be limited simply to the occupancy of the three Commissioners? Are not all the governmental—

Mr. ELKINS. I understand the inferior courts of the District, the police courts, are to occupy it.

Mr. SPOONER. Is that all?

Mr. ELKINS. I do not know.

Mr. SPOONER. If the Senator does not know, I will not ask him to tell me.

Mr. ELKINS. I understand the inferior courts are to occupy the building, but if you put all the local courts in the building their needs all not equal to the demands of the United States Senate.

Mr. GALLINGER. If the Senator will permit me, the Senate already has its part of the Capitol building and the annex, which it occupies now.

Mr. ELKINS. But the Senators have voted for the additional building. I did not vote for the \$3,000,000 appropriation, and I would not vote now if it came up. I do not think I voted for it. If I did, I was not a member of the Committee on Appropriations. If I were a member of the Committee on Appropriations I know I would not have voted for it. And with a deficit of \$20,000,000 staring us in the face, I am sure I would not vote for it.

Mr. SPOONER. The Senator is referring to the building for the Senate?

Mr. ELKINS. Yes, sir.

Mr. SPOONER. Would the Senator say that when the report of the Architect of the Capitol, and a very careful one, is on file stating that the building now occupied by a good many Senators is a death trap?

Mr. ELKINS. I wish to say this to the Senator, that of course I desire as much as he or any other Senator the safety and comfort of Senators, and for this reason I favor the new building for the use and comfort of Senators, but when we voted for this building we had no deficit in the Treasury.

Now, about economy. Why do you not vote as you preach? If you want economy, if you want to reduce expenses and let the people of Wisconsin know it—

Mr. SPOONER. I should like to know why the Senator does not preach as he votes?

Mr. ELKINS. I am going to both vote and preach economy. I will tell the Senator. I am not going to vote one way and preach another.

I do not see what place the Senatorial annex has in this debate, and whether it cost three millions or five millions—

Mr. GALLINGER. If the Senator will permit me, the only point of my interrogatory was, if the Senator wants to save \$500,000 on the District building and have a cheap brick structure, why does he not advocate saving five or six or seven hundred thousand dollars on the Senate building and make it of brick?

Mr. ELKINS. If you will bring in a bill for that purpose I will vote for it. I perhaps am as liberal with the people's money as are the Senators advocating this proposition. But here is \$500,000 that can be saved, and the House has tried to save it. Why should we not save it? It is admitted that this building will be ample for fifty years. I believe a member of the District Committee said that. It will be a commodious building. It will be a modern building. It will be a fireproof building, and have a granite front on the Avenue, I believe.

Mr. President, that seems to be sufficient, and if we can save \$500,000 by reducing this amount let us do so.

Mr. GALLINGER. If the Senator will permit me, the Commissioners have estimated that the building as it is now contemplated will be 10 per cent larger than the immediate needs

of the District government, and I think it is wise legislation to provide for a few years at least in the future.

Mr. ELKINS. Possibly so.

Mr. President, the Senator from Illinois [Mr. HOPKINS] has called the attention of the Senate to the fact that the increase of \$500,000 means another \$25,000 in the pockets of the architects, not the Government architects, who could have prepared the plans for this building, but the outside architects. They are to get \$25,000 more. What for? Because the Senate votes \$500,000 more, and they get \$25,000 of it. There is but little additional work to be done.

We lose another \$80,000 because of the way in which these two contracts were made—one for stone in the wall and one for stone outside, piled up on the ground—two contracts, and two different people.

Mr. GALLINGER. If the Senator will permit me, I will say that I understand that not a single contract has been let.

Mr. ELKINS. But I understand that is the proposition, and that is what part of the \$500,000 is wanted for, and if they do not get the \$500,000 they will have one contract for a granite building, and we will follow the House in its efforts to practice economy and to reduce expenses and to kill the deficit in the Treasury.

Mr. CLAY. Mr. President, the Senator from West Virginia was mistaken in one thing he said. The Senator said if this amendment is not adopted we will have a building of granite which will cost \$2,000,000.

Mr. ELKINS. Granite front, I meant.

Mr. CLAY. You will not have a granite building. This building is to be erected on Pennsylvania avenue, and it is to be the municipal building of the capital of the greatest nation in the world, and under no circumstances ought we to put a brick building at that place.

An examination of the bids will show these facts to be true: The Commissioners asked for the cost of a brick building, and also for the cost of a granite building, and for the cost of a marble building. The lowest possible bid for a brick building was nearly \$2,000,000. The lowest cost for a granite or marble building was \$2,500,000.

Mr. HOPKINS. Will the Senator from Georgia allow me?

Mr. CLAY. With pleasure.

Mr. HOPKINS. Was there any bid for a stone building?

Mr. CLAY. I think so.

Mr. HOPKINS. What was it?

Mr. CLAY. I am not certain about that. I know the Commissioners—I have heard them discuss it—are very much in favor of erecting either a granite or a marble building. They hesitated before accepting the lowest bid, which was for brick, and they came before the Committee on Public Buildings and Grounds and asked for this increase, stating that they desired, on account of the importance of this building and its location, to make it either of granite or of marble; and the Committee on Public Buildings and Grounds was unanimously in favor of the amendment.

That is all I desire to say, Mr. President.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDENT pro tempore. The question is on concurring in the next amendment made as in Committee of the Whole, which will be stated.

The SECRETARY. On page 29, after line 21, it is proposed to insert:

For construction of a concrete bridge across Piney Branch on the line of Sixteenth street extended, \$20,000; and the Commissioners of the District of Columbia are authorized to enter into a contract or contracts for the construction of said bridge at a cost not to exceed \$50,000, to be paid from time to time as appropriations therefor may be made by law.

The amendment was concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I ask the Senate to proceed to the consideration of House bill 18468, the diplomatic and consular appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 18468) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be considered as they are reached in the reading.

The PRESIDENT pro tempore. The Senator from Maine asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments shall first receive consideration. The Chair hears no objection.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, in Schedule A, under the subhead "Salaries of ambassadors and ministers," on page 2, line 18, after the word "Denmark" to insert "Morocco;" and in line 21, before the word "dollars," to strike out "forty-five thousand" and insert "fifty-two thousand five hundred;" so as to make the clause read:

Envoys extraordinary and ministers plenipotentiary to Denmark, Morocco, Paraguay and Uruguay, Portugal, Roumania and Servia, Sweden and Norway, and Switzerland, at \$7,500 each, \$52,500.

The amendment was agreed to.

The next amendment was, on page 3, line 10, to increase the total appropriation for salaries of ambassadors and ministers, from \$431,000 to \$438,500.

The amendment was agreed to.

The next amendment was, on page 8, line 14, in the subhead before the word "Buildings," to strike out "Rent of;" so as to make the subhead read:

Buildings for legation at Peking.

The amendment was agreed to.

The next amendment was, on page 8, after line 17, to insert:

For furnishing the new legation buildings at Peking, China, including the residences of the minister, first, second, and Chinese secretaries, chancery, office building, and for gatehouse, \$31,470.

The amendment was agreed to.

The next amendment was, under the subhead "Emergencies arising in the diplomatic and consular service," on page 10, line 5, after the word "necessary," to insert:

The Secretary of State is authorized to apply in his discretion such portions of the appropriation for "Contingent expenses, foreign missions," for the fiscal year ending June 30, 1906, to the maintenance, driving, and operating such carriages or vehicles as may be necessary for the use of the Assistant Secretaries of the Department of State in the duties officially devolving upon them, and further to apply, upon the order of the President, such proportion of any fund which may properly be applied to the entertainment of visiting functionaries of foreign governments to such temporary hire of carriages as may be required for the use of such Assistant Secretaries in emergencies arising in connection with the necessary entertainment of such functionaries of foreign governments in the United States, or in such other emergencies as may require such expenditures to be made.

So as to make the clause read:

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 291 of the Revised Statutes, \$75,000, or so much thereof as may be necessary. The Secretary of State is authorized to apply in his discretion such portions of the appropriation for "Contingent expenses, foreign missions," etc.

The amendment was agreed to.

The next amendment was, on page 13, line 2, before the word "thousand," to strike out "one" and insert "two;" so as to make the clause read:

For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commissioner, including preparation of reports, \$2,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in Schedule B, salaries, consular service, under the subhead "Consuls-general," on page 15, after line 4, to strike out:

Melbourne, \$4,500.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to insert:

Melbourne and Tientsin, at \$4,500 each, \$9,000.

The amendment was agreed to.

The next amendment was, on page 15, line 11, after the word "Antwerp," to insert "Callao;" and in line 13, before the word "dollars," to strike out "seventeen thousand five hundred" and insert "twenty-one thousand;" so as to make the clause read:

Antwerp, Callao, Halifax, Hamburg, Singapore, and Vienna, at \$3,500 each, \$21,000.

The amendment was agreed to.

The next amendment was, on page 15, line 18, before the word "Munich," to insert "Christiania;" and in line 20, before the word "dollars," to strike out "seven thousand five hundred" and insert "ten thousand;" so as to make the clause read:

Auckland (New Zealand), Christiania, Munich, and Tangier, at \$2,500 each, \$10,000.

The amendment was agreed to.

The next amendment was, on page 15, line 21, before the words "Guatemala City," to strike out "Christiania;" and in

line 23, before the word "thousand," to strike out "eight" and insert "six;" so as to make the clause read:

Guatemala City (Guatemala), Maracaibo, and San Salvador, at \$2,000 each, \$8,000.

The amendment was agreed to.

The next amendment was on page 15, line 25, to increase the total appropriation for salaries of consuls-general from \$152,500 to \$161,000.

The amendment was agreed to.

The next amendment was, under the subhead "Consuls," in Class II, on page 16, after line 10, strike out:

Callao, Peru.

The amendment was agreed to.

The next amendment was, on page 16, after line 18, to strike out:

Tientsin, China.

The amendment was agreed to.

The next amendment was, on page 16, line 23, to decrease the total appropriation for consuls of Class II, at \$3,500 per annum each, from \$52,000 to \$45,500.

The amendment was agreed to.

The next amendment was, in Class IV, page 19, after line 18, to insert:

Three Rivers, Canada.

The amendment was agreed to.

The next amendment was, on page 20, line 1, to increase the total appropriation for consuls in Class IV, at \$2,500 per annum each, from \$90,000 to \$92,500.

The amendment was agreed to.

The next amendment was, in Class V, on page 20, after line 10, to insert:

Bergen, Norway.

The amendment was agreed to.

The next amendment was, on page 21, after line 9, to insert:

Hermosillo, Mexico.

The amendment was agreed to.

The next amendment was, on page 21, after line 11, to insert:

Jalapa, Mexico.

The amendment was agreed to.

The next amendment was, on page 22, after line 2, to insert:

Nantes, France.

The amendment was agreed to.

The reading was continued to line 21 on page 22.

Mr. HALE. On page 22 I move to strike out line 21, "San Salvador, Salvador." This item is taken care of in another part of the bill.

The amendment was agreed to.

The reading was continued.

The next amendment was, on page 23, after line 4, to insert:

Teneriffe, Spain.

The amendment was agreed to.

The next amendment was, on page 23, after line 5, to strike out:

Three Rivers, Canada.

The amendment was agreed to.

The next amendment was, on page 23, after line 8, to insert:

Valencia, Spain.

The amendment was agreed to.

The next amendment was, on page 23, line 15, to increase the total appropriation for consuls in Class V, at \$2,000 per annum each, from \$160,000 to \$170,000.

Mr. HALE. The total should be changed. I move to amend the amendment by making it read \$168,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in Class VI, on page 23, after line 22, to strike out:

Bergen, Norway.

The amendment was agreed to.

The next amendment was, on page 24, after line 7, to insert:

Colonia, Uruguay.

The amendment was agreed to.

The next amendment was, on page 25, after line 4, to strike out:

Nantes, France.

The amendment was agreed to.

The next amendment was, on page 25, after line 11, to insert:

Port Deltrick, Nicaragua.

The amendment was agreed to.

The next amendment was, on page 26, after line 6, to strike out:

Teneriffe, Spain.

The amendment was agreed to.

The next amendment was, on page 26, after line 9, to strike out:

Valencia, Spain.

The amendment was agreed to.

The next amendment was, on page 26, line 15, to reduce the appropriation for consuls of class 6, at \$1,500 per annum each, from \$103,500 to \$100,500.

The amendment was agreed to.

The next amendment was, in Schedule C, class 7, on page 27, line 1, to increase the total appropriation for salaries of consuls from \$512,000 to \$514,500.

Mr. HALE. A change in the total is required. I move to amend the amendment by inserting "\$512,500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

H. R. 16986. An act to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, was read twice by its title, and referred to the Committee on Inter-oceanic Canals.

H. R. 18285. An act fixing the status of merchandise coming into the United States from the Canal Zone, Isthmus of Panama, was read twice by its title, and referred to the Committee on Finance.

H. R. 16289. An act to empower the Secretary of War to allow burial of wives of deceased enlisted men in national cemeteries in the same graves as deceased soldiers, was read twice by its title, and referred to the Committee on Military Affairs.

H. R. 17994. An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations for carrying the same into effect, was read twice by its title, and referred to the Committee on Indian Affairs.

H. R. 18815. An act to authorize the construction of a bridge across the Red River at or near Boyce, La., was read twice by its title, and referred to the Committee on Commerce.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

The PRESIDENT pro tempore (at 2 o'clock p. m.). The hour to which the Senate sitting as a court of impeachment adjourned has arrived. The Senator from Connecticut will please take the chair.

Mr. PLATT of Connecticut assumed the chair.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The Senate is now sitting for the trial of the impeachment of Charles Swaine, judge in and for the northern district of Florida. The Sergeant-at-Arms will make proclamation.

The Sergeant-at-Arms made the usual proclamation.

The PRESIDING OFFICER. The Sergeant-at-Arms will see if the managers on the part of the House are in attendance.

The managers on the part of the House (with the exception of Mr. SMITH of Kentucky) appeared and were conducted to the seats assigned them.

The PRESIDING OFFICER. The Sergeant-at-Arms will also see if counsel are in attendance.

The respondent, Judge Charles Swaine, accompanied by his counsel, Mr. Higgins and Mr. Thurston, entered the Chamber and took the seats assigned them.

The PRESIDING OFFICER. The Journal of the last trial day will be read.

The Journal of the proceedings of the Senate sitting for the trial of the impeachment February 16 was read.

Mr. HALE. Mr. President, the consideration of the subject for which the court went into private session had not been completed when the hour of 12 arrived. Perhaps it may be as well to go on for the present with testimony, but at no late date, of course, that session should be resumed. I do not ask that it be resumed now.

Mr. Manager CLAYTON. Mr. President, Mr. Manager SMITH of Kentucky has requested me to say to the court that he is unable to attend to-day's session on account of sickness.

The PRESIDING OFFICER. Are the managers ready to proceed with witnesses?

Mr. Manager PALMER. Mr. President, we are ready to proceed. I call Mr. Belden.

Simeon Belden sworn and examined.

By Mr. Manager DE ARMOND:

Question. Where do you live?

Answer. In New Orleans, La.

The PRESIDING OFFICER. The Presiding Officer suggests that it may be better to have the Secretary repeat the answers, so that they can be heard. If there is no objection, that course will be pursued.

Mr. SPOONER. I ask unanimous consent that the witness may be seated while giving his testimony.

The PRESIDING OFFICER. If there be no objection, the witness will be allowed to be seated and the Secretary will repeat his answers as given to the questions propounded.

The answers of the witness were repeated by the Chief Clerk.

Q. (By Mr. Manager DE ARMOND.) Perhaps I may as well repeat the question already asked. Where do you live?

A. New Orleans, La.

Q. How long have you lived in Louisiana?

A. All my life.

Q. What is your age?

A. I am 72.

Q. What official position have you held in that State, if any?

A. I have only held two. I was attorney-general of the State; was a member of the legislature, and speaker of the house.

Q. When were you elected attorney-general?

A. In 1868.

Q. When were you speaker of the house?

A. In 1864 and 1865.

Q. Who was elected governor when you were elected attorney-general?

A. Governor Henry Clay Warmoth.

Q. State what other connection, if any, you have had with the politics and business of the State.

A. I have held no official position except those two.

Q. State whether you have taken part in the public affairs of the State, political or otherwise.

A. Well, I have.

Q. State something about what part you have taken. Give a general sketch of your life in regard to these matters.

A. I was elected as a Republican to both positions that I have mentioned.

Q. State what, if anything, you had to do with the organization of parties and the conduct of politics or of public affairs there.

A. Well, I helped to organize the Republican party in that State before the death of Mr. Lincoln.

Q. How long have you been practicing law?

A. Let me see; I was admitted to the bar on the 10th of February, 1856.

Q. Were you one of the attorneys for the plaintiff in the case of Florida McGuire against the Pensacola City Company and others?

A. Yes, sir.

Q. The case pending in the district court of the northern district of Florida?

A. Yes, sir.

Q. When did you reach Pensacola in November, 1901, to attend court?

A. I reached Pensacola—I do not know the date—in the spring of 1901.

Q. I mean with reference to the term of court in November, 1901.

A. Well, I reached Pensacola on the 8th of November.

Q. State what the condition of your health was.

A. I was paralyzed in the right face and eye.

Q. State whether you had been afflicted for some time.

A. Since September previous to that.

Q. State to the court whether you went to Pensacola as one of the attorneys in the Florida McGuire case upon that occasion.

A. I did. I went there simply to consult with Mr. Paquet, who was leading attorney in the case.

Q. State to the court when that case was called.

A. The case was called on the 9th of November, about 5 or 6 o'clock in the evening.

Q. Had it been set down for trial upon a particular day?

A. It had not. I will state in that connection that the time of the court was occupied by the criminal calendar of the court until about 5 o'clock the evening of the 9th.

Q. State what was done then with reference to that case or what was said?

A. The case was called. Judge Paquet requested the court to fix it for the following Thursday, because no date had been fixed for the trial of the case to which witnesses could be subpoenaed.

Q. State whether or not that was done.

A. It was not. We were peremptorily ordered to proceed with the trial. After some discussion on the part of Mr. Paquet the judge said it might go over until Monday morning at 10 o'clock, when it must be tried.

Q. State to the court whether or not you could get ready for trial at that time—the next Monday.

A. We stated we could not; that there were more than forty witnesses in Pensacola and the surrounding country and some outside of the State; that we could get them there by Thursday; that it was utterly impossible for the clerk and the marshal, from 5 o'clock in the evening, to get the summonses ready and serve them on time for Monday.

Q. State what, if anything, you and Mr. Paquet, as attorneys, for Florida McGuire, decided to do with respect to that case in Judge Swayne's court, in view of the fact that you had been ordered to go to trial on Monday and could not.

A. We immediately met at the hotel I was stopping at, and concluded to discontinue the case to avoid a defeat. During that evening or Monday morning a motion was made to discontinue the suit. At 10 o'clock on Monday, the 11th of November, Mr. Davis, at my request and that of Judge Paquet, who had left town, presented the motion to the judge, who read it and asked Mr. Blount, the attorney opposed to us, if he had any objections to the discontinuance. He held the paper a short time and suggested some amendment, which was complied with, because we feared that it would not be allowed. The judge ordered it discontinued, and it was done.

Q. You spoke of deciding to dismiss the case to avoid defeat?

A. Yes, sir.

Q. On what ground did you anticipate defeat?

A. We had no witnesses, and could not get them.

Q. Well, after having decided to discontinue the case, what decision, if any, did you arrive at with reference to the bringing of the suit against Judge Swayne?

A. Well, we had had the matter as to Judge Swayne's having purchased the ground in litigation before him under consideration for some time.

Q. You mean the entire parcel of land in litigation before him, or a portion of it?

A. A portion of it—what they term a lot in Pensacola, but it is a square of ground—square 91.

Q. After having decided to dismiss the case in Judge Swayne's court, what decision did you arrive at with reference to bringing a suit against Judge Swayne?

A. Well, we concluded it was necessary; that it was our duty to institute this suit against him; and we came to this conclusion after a sober, candid consideration of the case. The Judge, as we believed and still believe, purchased the property from Mr. Charles Edgar, residing in New York. Charles Edgar was a defendant in the suit we discontinued; therefore we concluded that Judge Swayne, so far as Edgar was concerned, had taken Edgar's shoes, or his place, in the possession of the lot or square.

Q. About what time on the 9th—Saturday evening—was that suit brought?

A. I could not tell. I was in my room. Judge Paquet had charge of that.

Q. Was anything determined in consultation between you and Judge Paquet about whether or not the papers should be served that night?

A. I think the Judge told me that he intended to have them served that night.

Q. What was the reason for serving that night?

A. Well, Judge Swayne announced on the 9th that as soon as the case was concluded he expected to leave town, and, in leaving town, perhaps we would not be able to reach him for five or six months. Our object was to settle the question of title there in the State court as summarily as possible.

Q. The service, then, as I understand you, was made that night in order to insure service upon him by the earliest rule day?

A. Yes, sir; I had omitted to mention that. The return day in Florida is the first Monday in every month. Unless he had had fifteen clear days, it would have postponed the case until the first Monday in January, and we were anxious to have the question determined whether Judge Swayne had bought property or not before the spring term of the United States circuit court.

Q. State whether or not that suit in the State court was brought in good faith for the purpose of determining the matters involved in it.

A. Perfectly good faith. We had no motive whatever for doing a thing that was wrong. We concluded that Judge Swayne was as liable to be sued in his private capacity as any other man.

Mr. Manager DE ARMOND. Mr. President, I will ask the

question of the other side whether they are prepared to produce a letter written to Judge Swayne in October preceding this November?

Mr. HIGGINS. Judge Swayne has not possession of that letter. He has never been able to find it.

Mr. Manager DE ARMOND (to the witness). I will ask you whether a letter was—

The PRESIDING OFFICER. The statement of counsel was not heard by the Presiding Officer.

Mr. HIGGINS. I stated that Judge Swayne has not possession of that letter, has not had it since this matter has been mooted, and does not know where it is.

Mr. Manager DE ARMOND. Then we shall endeavor to prove its contents substantially, if there be no objection. [To the witness.] I will ask you whether a letter was written to Judge Swayne in October, 1901?

The PRESIDING OFFICER. A letter written by whom?

Mr. Manager DE ARMOND. By the attorneys of Florida McGuire, calling to Judge Swayne's attention the matter of recusing himself in that case.

A. It must have been during the month of July, 1901, that we came into possession of what we considered to be the fact that Judge Swayne had purchased square 91. I wrote the letter, and Judge Paquet signed it with me. I think the letter is dated the 5th of August.

Q. Now state, as well as you can, the contents—but first, have you a copy of that letter?

A. I have not. I had, but it is misplaced. I tried to get it before I came up here.

Q. State to the court, as well as you can, the contents of that letter to Judge Swayne.

A. I wrote to the Judge at Guyencourt, Del., advising him of the information that had come to us and suggesting that if it were a fact no doubt he would recuse himself in the case, and that we desired to communicate with Judge Pardee, circuit judge of the fifth circuit, that he might assign to that court for the trial of the case some disinterested judge.

Q. Was any reply received from Judge Swayne?

A. The Judge paid no attention; no reply was ever seen.

Q. Who were the attorneys of Florida McGuire in that case in Judge Swayne's court?

A. Attorneys for which side?

Q. For Florida McGuire?

A. Judge Paquet and Simeon Belden.

Q. Was Mr. Davis an attorney?

A. Mr. Davis was never an attorney in that case, except in so far as to present the motion to discontinue it, and that was an accommodation to Judge Paquet and myself.

Q. Who prepared the papers in the case brought against Judge Swayne, so far as you know?

A. Judge Paquet. I was sick at the hotel. I do not know who prepared them, but I think Judge Paquet.

Q. Now, you have told about the dismissal of the Florida McGuire case. Immediately following that dismissal, what happened in Judge Swayne's court?

A. Mr. Blount, one of the defendants in the discontinued suit and counsel for all of the defendants therein, arose as amicus curiae and suggested to Judge Swayne that we should be punished for contempt. Judge Swayne very promptly ordered it to be done. We were then notified to appear the next day—the 12th of November—to answer the charge of contempt.

Q. You appeared upon the 12th day—Tuesday?

A. Yes, sir.

Q. What took place upon your appearance?

A. Well, a form of trial for a few minutes was gone into.

Q. State to the court now what you recollect about that trial. What was done, and what was said?

A. Well, the trial lasted but a short time.

Q. About how long?

A. I should say thirty or forty minutes, perhaps longer.

Q. When the proceeding was started was a paper filed—was a written charge made, or was it made first orally?

A. My recollection is it was made orally, but during the evening late we were served with a written notice embodying the charges.

Q. Were any interrogatories exhibited to you upon the 12th? Were you asked to answer any interrogatories?

A. We were not.

Q. Did the charge against you appear to be sworn to or supported by affidavit?

A. It was not.

Q. Was your answer upon oath?

A. I do not think that that was either, because, as the charges were not sworn to, we did not think it necessary that we swear to our answer.

Q. To what points did the witnesses testify; what matters were they inquired of about?

A. Well, as to myself, there was no inquiry further than to ascertain if I had signed the process, which I admitted that I had signed. There were some things said about a newspaper article, but I knew nothing of it, and so stated to the judge.

Q. Was any inquiry made of Mr. Davis about that newspaper article?

A. Yes; there was. Judge Swayne handed this writing to him, and asked him if he would swear on oath that he did not write it. Mr. Davis replied that he would.

Q. What further testimony do you recollect?

A. Well, I will state in connection with this matter that after the Judge entertained the suggestion of this amicus curiae he appointed Mr. Blount and Mr. Fisher attorneys to prosecute us, and both of these parties were leading defendants in the suit that was discontinued. The United States district attorney was present, but took no part, as he had been supplanted by this appointment of the two men named. After the conclusion of the trial Judge Swayne very promptly began the sentence. We were sentenced to pay a hundred dollars fine, ten days imprisonment in the county jail, and disbarment from practice in that State in his court for two years. A few minutes after that he revoked the order as to the disbarment. We then sued out a writ of habeas corpus before the circuit judge, Judge Pardee, who decided that he had no jurisdiction over the case, except in so far as to make it conform to the law; that is to say, that Judge Swayne had both fined and imprisoned contrary to law. Judge Pardee left it discretionary, therefore, with me and Mr. Davis as to whether we should pay the fine or go to prison. As I had already served part of the time in prison and felt that it would be wrong to pay the money, I selected imprisonment.

Q. Why did you think it would be wrong to pay the money?

A. Because I was satisfied, and very thoroughly satisfied, that I had committed no offense for which I should be punished for contempt. I could avoid the payment of the \$100 by serving the balance of the term, having already served about one-half the time.

Q. How soon after the sentence was pronounced were you taken to jail?

A. Immediately.

Q. What was the manner of Judge Swayne in pronouncing sentence?

A. Well, he was very abusive. I could not state exactly all that he said. He denounced us as ignorant; that we had disgraced the profession of the law, and that our conduct was a stench in the nostrils of the people there, and especially of the bar. After that he began the abuse of Mr. Keyser, who was a witness in the contempt case, by calling him a perjurer.

Q. State what Judge Swayne's appearance and manner were with reference to being angry or under the influence of high feeling.

A. Oh, extremely so.

Q. Do I understand "extremely angry?"

A. Yes; extremely angry, if his demonstrations indicated anger.

Q. State to the court whether, in anything that you had done in relation to either of these suits or in connection with any matter pending in his court, you had done anything or thought anything with the intention of bringing the court into contempt or wounding or hurting the feelings of the Judge.

A. Not the least idea. I have always made it my practice during the number of years I have been at the bar to demean myself as a court of justice demands. I have never in my life failed to observe that rule. I did it before Judge Swayne, and it is the first time in the course of my practice that my competency or my integrity as a citizen and lawyer has ever been drawn in question.

Q. You stated there was reference made to a paper or notice or article that appeared in a newspaper?

A. Yes, sir.

Q. And that you disclaimed having written it. You made that statement in court during the hearing of this contempt proceeding. Now, state to the court whether you have any knowledge about who wrote it or placed it in the newspaper.

A. Not the most distant. The first thing I knew of it was on the following morning, the 13th, when I read it in the Pensacola Press. I regretted very much to see it there, even with the injustice that I thought Judge Swayne had done me. I regretted to see the publication of this suit in the paper and characterized it as very indiscreet.

Mr. Manager DE ARMOND. I believe that is all.

Cross-examined by Mr. THURSTON:

Q. Mr. Belden, at the time you have referred to you were an attorney of and practicing in the United States court for the northern district of Florida?

A. Yes, sir, and had been for some years, at intervals.

Q. Is that also true as to Mr. Paquet?

A. I think not. I think that was the first appearance of Judge Paquet in that State.

Q. Judge Paquet, however, was an attorney of record in that case, was he not?

A. Yes, sir.

Q. And you were associated with him in the Florida McGuire case?

A. Yes, sir.

Q. How long had you been connected with the litigation that had been going on with reference to the title to this large tract of property in Pensacola?

A. I was in Pensacola in 1884 and tried a case involving the title to this same property. The case went to the Supreme Court of the United States and was returned to the city of Pensacola; the judgment reversed and the case sent back. Since that time that particular suit has never been revived or tried. I did not return to Pensacola then for some six or seven or eight years.

Q. That first suit you have spoken of was in 1884?

A. In 1884; yes.

Q. Were further suits brought from time to time in connection with this same tract of land, to determine its title?

A. Not by me; I only know that certain litigation was going on continuously.

Q. And you had naturally advised yourself of it before you commenced the Florida McGuire case, had you not?

A. I had availed myself of the knowledge I had acquired in 1884, of course.

Q. Had you not also advised yourself or informed yourself as to the subsequent litigation before the time when you commenced the Florida McGuire case?

A. I had not, as I understood the litigation was in the circuit court of the State.

Q. Did you not know that the same case, perhaps with other parties plaintiff, had been tried in Judge Swayne's court before a jury between 1884 and 1901?

A. I do not know positively. There is a case I heard mentioned while we had this Florida McGuire case, and I have looked at the record. It was the case of Mr. Larvalette v. The City Company and others.

Q. Do you know how many trials there had been in all the courts of this same claim to the title of that tract of real estate?

A. I know of the suit that was brought in 1884 and, incidentally, the Larvalette suit, and the suit that I brought, Florida McGuire v. W. A. Blount and others.

Q. Generally speaking, you knew, did you not, that this litigation, in one form or another, had been going on pretty continuously for some years?

A. I have just stated what I had heard; it had been continuous.

Q. And there had been suits, had there not, as you had advised or informed yourself, both at law and in equity?

A. There was a suit brought in equity by Judge Paquet. I had no connection with that suit until the latter part, in filing the brief in the circuit court of appeals. There was no trial there. It went off on demurrer as to the jurisdiction of the court; in other words, the defendant claimed that it should have been at law instead of in equity. Then we filed the suit at law which is now pending.

Q. In briefing and arguing the equity case on appeal did you not inform yourself of the allegations contained in the bill?

A. Of course.

Q. And, therefore, you knew, did you not, that the complainant, Florida McGuire, in that bill in equity had taken exception to at least four or five judges, both of State and Federal courts, in connection with previous litigation?

A. I noticed it in the bill in equity. I had no hand whatever in drawing the bill.

Q. But you discovered, did you not, that in the prior litigation there had been at least four efforts made to induce various judges to recuse themselves on the trials?

A. I am not aware of that.

Q. Is that not set forth in the bill in equity in that case which you examined and briefed and argued?

A. I think there is a reference to some disqualified judges—to judges of State courts there.

Q. Prior to the November term, 1901, was your case of Florida McGuire against the defendants named at issue?

A. It was at issue at the fall term, the November term, but was not at the spring term.

Q. When did you send this letter to Judge Swayne asking him to recuse himself?

A. I think the date of the letter was the 5th of August, 1901.

Q. After that did you file any pleading in that court looking to the bringing on of the case for trial?

A. Not that I know of.

Q. Prior to November 8, 1901, you had on file, had you not, a demurrer to the answer?

A. It has been a long time; I can not recollect; perhaps we had; but it has been a long time now.

Q. But did you not about that date file in the court a paper reading as follows:

Now comes plaintiff in the above entitled and numbered cause, through her undersigned counsel, and hereby discontinues the demurrers heretofore filed herein to pleas of defendant.

LOUIS P. PAQUET.
SIMEON BELDEN.

A. I think that is correct.

Mr. Manager PALMER. I think the counsel ought to show this paper to the witness if he wants to examine him upon it. The PRESIDING OFFICER. That would be the proper course; but the witness has already answered.

Mr. THURSTON. Certainly, if the witness wants to see it. But he has a recollection.

Mr. SPOONER. I ask that the question and also the answer may be repeated.

The PRESIDING OFFICER. The Reporter will read the question and the answer.

The Reporter read as follows:

Q. But did you not about that date file in the court a paper reading as follows:

Now comes plaintiff in the above entitled and numbered cause, through her undersigned counsel, and hereby discontinues the demurrers heretofore filed herein to pleas of defendant.

LOUIS P. PAQUET.
SIMEON BELDEN.

A. I think that is correct.

Mr. FAIRBANKS. As there is a special order for 3 o'clock, I move that the Senate sitting as a court of impeachment adjourn until 11 o'clock to-morrow morning, to meet then with closed doors for further deliberation.

Mr. THURSTON. May I make an inquiry, so that counsel will understand what to expect? Does that mean that our appearance and proceeding in open session will go on at 2 o'clock?

Mr. FAIRBANKS. Yes; unless there is some further action by the Senate.

The PRESIDING OFFICER. The Presiding Officer so understands.

Mr. THURSTON. We will not be expected here before that time?

Mr. FAIRBANKS. No.

Mr. GALLINGER. There is a special order for to-morrow immediately after the routine morning business.

Mr. FAIRBANKS. There is a notice to such effect.

Mr. GALLINGER. A notice.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate sitting as a court of impeachment in the trial of Charles Swayne do now take a recess.

Mr. FAIRBANKS. I moved an adjournment until 11 o'clock to-morrow, but I will modify it. I move that the Senate sitting as a court of impeachment take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 3 o'clock and 3 minutes p. m.) the Senate sitting as a court of impeachment took a recess until 11 o'clock a. m., February 18.

The managers on the part of the House and the respondent and his counsel thereupon retired from the Chamber.

The PRESIDENT pro tempore resumed the chair.

STATUE OF FRANCES E. WILLARD.

Mr. CULLOM. Mr. President, the exercises for to-day are indicated in the following resolution:

Resolved, That the exercises appropriate to the reception and acceptance from the State of Illinois of the statue of Frances E. Willard, erected in Statuary Hall, in the Capitol, be made the special order for Friday, February 17, at 3 o'clock.

When the letter came from the State of Illinois, signed by the secretary of the governor of that State, it did not fully comply with the existing rule. The governor of the State was suddenly called away by the severe and sudden illness of his daughter, and in his absence the secretary sent the letter to the Senate. The governor of the State, therefore, desires that the following telegram may be read, so that it may go upon the record and be a part of the proceedings.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

SPRINGFIELD, ILL., February 16, 1905.

HON. SHELBY M. CULLOM,
United States Senator, Washington, D. C.

Will you kindly submit the following to the Senate and House of Representatives.

CHAS. S. DENEEN.

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
Springfield, February 16, 1905.

To the Senate and House of Representatives
of the United States, Washington, D. C.

GENTLEMEN: By authority of the act of the general assembly of Illinois, the governor of Illinois heretofore appointed Anna E. Gordon, Mary E. Metzgar, John J. Mitchell, W. R. Jewell, and Mrs. S. M. D. Fry to constitute a commission to procure a statue of Frances E. Willard for erection in Statuary Hall, in the Capitol at Washington, D. C. I am informed by the commissioners that the statue was made by Helen F. Mears, of New York City; that it is completed and has been placed in position, and is now ready to be presented to Congress. I have been further informed by Miss Anna E. Gordon, chairman of the commissioners, that a resolution is to be presented accepting said statue. As governor of the State of Illinois, therefore, I have the honor to present to the Government of the United States the statue heretofore referred to.

Very respectfully,

CHAS. S. DENEEN,
Governor of Illinois.

Mr. CULLOM. I submit the resolutions I send to the desk.

The PRESIDENT pro tempore. The Senator from Illinois presents resolutions, which will be read by the Secretary.

The Secretary read the resolutions, and the Senate proceeded to their consideration, as follows:

Resolved by the Senate (the House of Representatives concurring). That the statue of Frances E. Willard, presented by the State of Illinois, to be placed in Statuary Hall, be accepted by the United States, and that the thanks of Congress be tendered the State for the statue of one of the most eminent women of the United States.

Resolved. That a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Illinois.

Mr. CULLOM. Mr. President, the State of Illinois presents to the United States the statue of a great woman, whose name is familiar wherever the English language is spoken.

The Senate has frequently suspended its ordinary business to pay tribute to the memory of eminent statesmen who have passed away. During the present session we have heard eloquent eulogies on the lives of two distinguished men—George Frisbie Hear, of Massachusetts, and John J. Ingalls, of Kansas. For the first time in the history of the Senate a day has been set apart that we may talk of a woman.

More than forty years ago, after the new Hall of the House of Representatives was constructed, it became a problem to know to what use the old hall, in which the greatest men in the early days of the Republic had occupied seats, should be dedicated.

Senator Morrill first made the suggestion, which was afterwards enacted into a law, that the old hall be set apart as a national statuary hall, and that each State be invited to provide two statues of its illustrious citizens to be placed therein.

Twenty States have responded, each State naturally selecting two of its most illustrious citizens. There are statues of Robert Winthrop and Daniel Webster, of Massachusetts; Roger Williams, of Rhode Island; George Clinton and Robert Fulton, of New York; Ethan Allen, of Vermont; Roger Sherman, of Connecticut; Oliver P. Morton, of Indiana; James A. Garfield, of Ohio, and many other distinguished men, whom their respective States deemed worthy of so high an honor.

Illinois has been the home of many eminent men. Cook and Pope, in the early history of the State; Lincoln, than whom no nobler man ever lived; Grant, one of the most renowned generals of the age; Douglas, a noted statesman, whose career in the Senate was marked by wonderful power; Trumbull, who for many years occupied a seat in this Chamber, and, as chairman of the Committee on the Judiciary, was recognized as a profound lawyer and statesman; Davis, who was an honored member of the Supreme Court of the United States, and was subsequently President pro tempore of this body; Logan, an able Member of the House of Representatives, the greatest volunteer soldier of the civil war, and for years a leading Senator in this Chamber, and many other great names whose deeds have illumined the pages of our nation's history; yet, with so large a number of splendid men from whom to make a selection, the State of Illinois selected a woman thus so signally to honor.

Mr. President, Miss Willard was a worthy representative of her sex, known to the world for her devotion to the cause of temperance and for her efforts in the interest of the human race.

She had a wonderful career. Beginning in poverty, struggling with adverse conditions, with courage and faith in the right, she overcame all obstacles in her pathway, and became one of the foremost women of her time.

The story of her life is inspiring to her sex and uplifting to humanity. She was born in Churchville, N. Y., September 28, 1839, being a descendant of the well-known Willard family of

Massachusetts, the first of whom settled in the New World in 1634, and was one of the founders of Concord, later the home of many famous men of letters.

The Willards were noted men and women of New England before and during the Revolution. Her parents were brave, honest, intellectual, strong-minded, patriotic Christian people.

They were among that band of pioneers who left New England about 1840 to seek their fortunes in the West. In 1846 the Willard family located near Janesville, Wis., on the banks of the beautiful Rock River. Here, on her father's farm, the early life of Miss Willard was spent.

Even as a child she is said to have been eager to grapple with principles and philosophies, and from childhood she seemed to feel that she was destined to perform an important work in the world.

Long years afterwards she speaks thus of her early life, spent at Forest Home, on the banks of Rock River:

It was a beautiful childhood. I do not know how it could have been more beautiful, or how there could have been a truer beginning of many things. To me it has often seemed as if those earlier years were used to all my after good.

Long years have left their writing on my brow, but yet the freshness and the dew-fed beam of those young mornings are about me now. Wherever I may dwell no place can be so dear, so completely embalmed in my heart, so truly the best beloved to me, as Forest Home.

Miss Willard attended the Northwestern Female College, at Evanston, Ill., a woman's college of high grade in the West, from which she was graduated with honor. After teaching at several institutions of learning she completed her education by two years of travel and study abroad.

In 1871 she became president of the Evanston College for Ladies, the first female college entirely under the control and direction of women, of which a woman was president and women constituted the board of trustees. This college was later made the woman's department of the Northwestern University, one of the leading institutions of learning of the West, and Miss Willard became dean and professor of aesthetics.

In 1874 she resigned her connection with the Northwestern University. Some years afterwards, when the famous evangelist, Moody, invited her to become associated with him as a coadjutor in his work, and inquired why she left the Northwestern University, she gave this characteristic answer:

"Doctor Fowler, the president of the institution, has the will of Napoleon. I have the will of Queen Elizabeth. When an immovable meets an indestructible object something has to give way."

Mr. Moody made no further inquiry.

On her resignation from the Northwestern University Miss Willard had many flattering offers to continue in the educational world, where she would in a few years have become the foremost woman educator in the United States, but she declined them all.

In 1873 a great woman's Christian crusade on temperance was commenced, originating in Ohio. Miss Willard was early attracted toward the temperance movement. She saw in it an opportunity to perform a great service in the interest of the human race. With alacrity she accepted the invitation to become president of the Illinois Woman's Christian Temperance Union, and, abandoning a brilliant educational career, in 1874 she entered on what was to be her last work. From that time until her death, for more than a quarter of a century, she devoted her splendid energies to the temperance cause and other reforms.

The Illinois Woman's Christian Temperance Union, when Miss Willard was elected as its president, was a small band of women, the outgrowth of the women's crusade. She received no salary, but gave her whole time to the work, addressing large noonday meetings daily in the worst districts of Chicago, practically living on the charity of her friends.

In 1879 she was elected president of the National Woman's Christian Temperance Union, and in that position her splendid executive ability and faculty for organization had full sway. She traveled over this country constantly, talking in behalf of her white-ribbon cause in every town and city in the United States having a population of 10,000 or more. In 1883 she projected the World's Woman's Christian Temperance Union, of which she later became president. Under her leadership the temperance crusade spread as if by magic throughout the United States.

Not content with what she had accomplished here at home, on several occasions she visited England and assisted the temperance movement, where she addressed immense audiences in different parts of England.

Miss Willard was not only an advocate of temperance, but of all other beneficial, progressive reforms—purity in politics, equal rights for women, and, as a means to secure political re-

form, woman suffrage. She believed "that there is such a power in the influence of women as, if it were exerted right, would shake the kingdom to the center."

She was recognized as an able public speaker, perhaps the greatest woman speaker in the country. She had a rare gift of eloquence and magnetism which drew thousands into the temperance ranks. During her years of active life she probably addressed a larger number of public audiences than any man or woman of her time.

What did the Woman's Christian Temperance Union accomplish under the leadership of Frances E. Willard? She lived to see it grow from a small, struggling organization with which she was connected in 1879 to a world-wide movement, the most splendid organization of women that ever existed, numbering in the United States more than 300,000, with a following of half a million. In 10,000 towns and cities local unions were established. The Loyal Temperance Legion was formed, composed of children, with a membership of over 250,000. Temperance instruction was provided in the schools and Sunday schools to more than 16,000,000 children. Tens of thousands of men were induced to sign the total-abstinence pledge. It circulated millions of pages of temperance literature, and it has gone far to secure equality of treatment of women. It appealed for happy homes—the source of good society and good government—home protection; it appealed to the mothers to save the boys for their country, and it marshaled every moral force to the support of its principles.

Miss Willard, notwithstanding her busy life and her varied duties as leader of this world-wide organization, found time to write many books. She was a woman of rare literary attainments, and some of her books have been circulated throughout the world and have been translated into several languages.

She was ambitious, but hers was a noble ambition. She says in her autobiography:

I have been called ambitious, and so I am, if to have had from childhood the sense of being born to a fate is an element of ambition. For I never knew what it was to aspire and not to believe myself capable of heroism. I always wanted to react upon the world about me to my utmost ounce of power, to be widely known, loved, and believed in—the more widely the better. Every life has its master passion; this has been mine. Very few things waken my contempt, but this couplet in the hymn book did:

Make me little and unknown,
Loved and prized by God alone.

Its supreme absurdity angered rather than amused me, for who could be "loved and prized" by the Great Spirit and yet despised by the lesser spirits made in his image? Who could deliberately desire to be "little and unknown," of small value and narrow circle in a world so hungry for help and strength and uplift, yet beloved and prized by God? No. I wanted to be now and in all worlds my very utmost. I fully purposed to be one whom the multitudes would love, lean on, and bless. Lying on the prairie grass, and lifting my hands toward the sky, I used to say in my inmost spirit, "What is it that I am to be, O God?" I did not wish to climb by others' overthrow, and I laid no schemes to undermine them, but I meant that the evolution of my own powers to do for me all that it would. I felt that a woman owed it to all other women to live as bravely, as helpfully, and as grandly as she could, and to let the world know it.

If ever the ambition of any man or woman was gratified, this ambition of Miss Willard was, and to the fullest extent. She did live bravely, helpfully, and grandly, and at the time of her death she was one of the most beloved women of America.

Mr. President, I esteem it an honor to have known personally Frances E. Willard during the greater part of her active life. I knew from personal knowledge of the work in which she was engaged, and I witnessed with pleasure the wonderful success which attended her efforts. She was a reformer, but she never shared the usual unpopularity of reformers, and her advocacy of reform in temperance never made her offensive to any class of people. Notwithstanding her public life, she was nevertheless a real woman, with that degree of sincerity and modesty that commanded the utmost respect from all with whom she came in contact.

Mr. President, I am proud that the State of Illinois was the home of Frances E. Willard.

Seven years ago to-morrow, the 18th of February, 1898, the sad news announced that she was no more. It seemed that the world stopped to mourn. No man or woman of her time received such splendid eulogy, not only from those engaged in her cause, not only from those who believed in her creed, but from the best representatives of all classes and all religions.

In the public press, we saw such comments as these:

Her services to mankind were inestimable.

Her life was a power, not only for temperance and purity and right living of every kind, but for love and fellowship and brotherhood the world over.

The world will sorrow that such a great power for good has been taken away.

No history of hero worship would be complete without her wondrous story.

To-day the hushed voices and moistened eyes of thousands upon thousands of men and women throughout the world testify to the universal impression Miss Willard left upon her time.

Her friend, Lady Henry Somerset, the temperance leader of Great Britain, said:

I believe that long after the temperance reform has become a matter of past history, long after the woman question has brought about the equality of men and women, political, social, and financial, the name of Frances E. Willard will be remembered not only as one who led a great movement, but as one who gave her life, her talent, her enthusiasm, to make the world wider for women and better for humanity. Such a record will be associated with no particular form of philanthropy, but will stand among the landmarks of the ages that point the progress of the world along all the upward way.

Illinois especially mourned the death of Miss Willard. It was in Illinois, in the vicinity of Chicago, that she commenced her great work and had lived for more than forty years, and it was to Illinois that her remains were brought, and it was there that the most touching tributes of respect were paid to her. Her body lay in state at Willard Hall, in the Women's Temple, in Chicago, where it was viewed by more than 20,000 people, composed of all classes, the rich and the poor, equally anxious to look for the last time on the face of the woman whose teachings had done so much for the world. The last services were held at Evanston, where great throngs of people assembled, and she was finally laid to rest at Rose Hill February 24, 1898.

The world has been better because Frances E. Willard lived. She devoted her life unselfishly to the cause of humanity, and she brought sobriety into the homes of untold thousands; and at her death she left an organization that has been and will continue to be a potent factor for good in the world.

Mr. President, the State of Illinois, in presenting the statue to the United States, to be placed in Statuary Hall among the figures of the greatest men that have lived in the United States, has honored itself, has justly honored a great woman, and has paid a tribute to all American womanhood.

[Manifestations of applause in the galleries.]

Mr. BEVERIDGE. Mr. President, from the beginning woman has personified the world's ideals. When history began its record it found her already the chosen bride of Art. All things that minister to mankind's good have, from the very first, by the general judgment, been made feminine—the ships that bear us through storm to port; the seasons that bring variety, surcease of toil and life's renewal; the earth itself, which, through all time and in all speech, has been the universal mother. The Graces were women, and the Muses, too. Always her influence has glorified the world, until her beatitude becomes divine in Mary, mother of God.

Mark how the noblest conceptions of the human mind have always been presented in form of woman. Take Liberty; take Justice; take all the holy aspirations, all the sacred realities! Each glorious ideal has, to the common thought, been feminine. The sculptors of the olden time made every immortal idea a daughter of the gods. Even Wisdom was a woman in the early concept of the race, and that unknown genius of the youthful world wrought Triumph itself into woman's form in that masterpiece of all the ages—The Winged Victory. Over the lives and destinies of men the ancients placed Clotho, Lachesis, and Atropos forever spinning, twisting, severing the strands of human fate.

In the literature of all time woman has been Mercy's messenger, handmaid of tenderness, creator and preserver of human happiness. Name Shakespeare—Miranda, and Imogene, Rosalind, Perdita, and Cordelia appear; name Burns—the prayer "To Mary in Heaven" gives to the general heart that touch of nature which makes the whole world kin; name the Book of Books—Rachel and the women of the Bible in beauty walk before us, and in the words of Ruth we hear the ultimate formula of woman's eternal fidelity and faith.

And so we see that through all time woman has typified the true, the beautiful, and the good on earth. And now Illinois, near the very heart of the world's great Republic and at the dawn of the twentieth century, chooses woman herself as the ideal of that Commonwealth and of this period; for the character of Frances E. Willard is womanhood's apotheosis.

And she was American. She was the child of our American prairies, daughter of an American home. And so she had strength and gentleness, simplicity and vision. Not from the complex lives that wealth and luxury force upon their unfortunate children; not from the sharpening and hardening process of the city's social and business grind; not from any of civilization's artificialities, come those whom God appoints to lead mankind toward the light.

Moses dwelt alone on the summit of mystery and human solitude. The Master abode in the wilderness, and there the power descended on Him with which He put aside the tempter. In the forests the father of our country learned liberty's lessons from Nature, liberty's mother; and from the valleys and the heights the fields and pouring streams got understanding of the possibilities of this land, a knowledge of its uses, a perception of

its people's destiny. We can not imagine Abraham Lincoln coming to us from a palace. No! We can understand him only as he really was—man of the people and the soil, thinking with the people's mind the grand and simple truths, feeling with the people's heart an infinite compassion for and fellowship with all the race.

And so, Mr. President, all the saints and heroes of this world have come, fresh and strong from the source of things, by abuses unspoiled and unweakened by false refinements. And so came Frances E. Willard, the American woman. The wide, free fields were the playgrounds of her childhood. The great primeval woods impressed her unfolding soul with their vast and vital calmness. Association with her neighbors was scant and difficult; and home meant to her all that the poets have sung of it, and more. It was a refuge and a shrine, a dwelling and a place of joy, a spot where peace and love and safety and all unselfishness reigned with a sovereignty unchallenged. And so this child of our forests and our plains, this daughter of that finest of civilization's advance guard—the American pioneers—early received into her very soul that conception of the home to which, as the apostle of universal womanhood, her whole life was dedicated.

To make the homes of the millions pure, to render sweet and strong those human relations which constitute the family—this was her mission and her work. And there can not be a wiser method of mankind's upliftment than this, no better way to make a nation noble and enduring; for the hearthstone is the foundation whereon the state is built. The family is the social and natural unit. Spencer wrote learnedly of "the individual and the state;" but he wrote words merely. The individual is not the important factor in nature or the nation. Nature destroys the individual. Nature cares only for the pair; knows in some form nothing but the family. And so by the deep reasoning of nature itself Frances Willard's work was justified.

But hers was no philosopher's creed. She got her inspiration from a higher source than human thinking. In her life's work we see restored to earth that faith which, whenever man has let it work its miracle, has wrought victory here and immortality hereafter. Such was the faith of Joan, the inspired maid of France; such that of Columbus, sailing westward through the dark; such the exalted belief of those good missionaries who first invaded our American wildernesses to light with their own lives on civilization's altar the sacred fire that never dies. The story of Frances Willard's faith in the conquest of evil by the good seems incredible to us who demand a map of all our future before we take a step.

For Frances E. Willard knew no questioning. The Master's message was at once her guaranty and her command. The Bible was to her, in very truth, divine. What immeasurable and increasing influence that one book has wielded over the minds of men and the destiny of the world! If it be the word of God, as we profoundly believe, surely it comes to human ears with all the dignity and peace and power that His word should command. If it be the word of man, then even the doubter must admit that the ancient Hebrews had miraculous skill to cast a spell across milleniums which, strengthening with the years, spreads wider to-day than ever and embraces the future as far as even the eye of imagination can behold. Not all invention or all statesmanship or all of literature have so touched and bettered human life as this one book. And it was the Bible that gave Frances E. Willard her mission, her strength, her hope, her argument, and her inspiration.

Thus prepared and thus equipped she went out into the world and to her work. No method can measure what she did. The half million of women whom she brought into organized cooperation in the Women's Christian Temperance Union is but a suggestion of the real results of her activities. Indeed, the highest benefits her life bestowed were as intangible as air and as full of life. She made purer the moral atmosphere of a continent—almost of a world. She rendered the life of a nation cleaner, the mind of a people saner. Millions of homes to-day are happier for her; millions of wives and mothers bless her; and countless children have grown into strong, upright, and beautiful maturity who, but for the work of Frances E. Willard, might have been forever soiled and weakened.

The mother of all mothers, the sister of all wives, to every child the lover, Frances E. Willard sacrificed her own life to the happiness of her sisters. For after all, she knew that with all her gifts and all the halo of her God-sent mission, nevertheless the humblest mother was yet greater far than she. But it was needful that she should so consecrate her strength and length of years. For how shall the service of utter unselfishness be achieved save in the utter sacrifice of self? So Frances E. Willard gave up her life and all the rights and glories of it

that all of her sisters might lead fuller, richer, happier, sweeter lives themselves.

So, Mr. President, by placing her statue in the hall of our national immortals, a great Commonwealth to-day forever commemorates the services of this American woman to all humanity. And the Representatives of the American people—the greatest people in this world—in Congress formally assembled to-day are paying tribute to the little frontier American maid who heard and heeded the voices that came to her from the unseen world, and, obeying their counsels, became the first woman of the nineteenth century, the most beloved character of her time, and, under God, a benefactress of her race. [Applause in the galleries.]

Mr. HOPKINS. Mr. President, when the late Senator Morrill, of Vermont, proposed to dedicate the old Hall of the House of Representatives as a national Statuary Hall for the purpose of authorizing each of the States of the Union to place therein statues of deceased persons who have been citizens of such State and illustrious for their historic renown or for distinguished civic or military service, he little dreamed that the great State of Illinois in complying with that statute would select for one of her citizens a woman in the person of Frances Willard.

She was then a young woman. Her great future had hardly opened before her. She little dreamed at that period of her life that she would attain that civic distinction or historic renown that would warrant Illinois in selecting her as one of her representatives in Statuary Hall, or that Illinois would honor herself by passing over so many of her distinguished sons and select her as one of her representatives.

The years that have come and gone since the late Senator Morrill caused that law to be placed upon the statute books of our country saw Miss Willard advance step by step from the most humble beginnings until her fame became not only national but world-wide. Her services to her sex and humanity extended to every part of the civilized world, and when death claimed her, and her noble spirit passed into immortality, an enlightened and patriotic legislature of the State of Illinois selected her as worthy of a place in Statuary Hall, dedicated by the several States to the most eminent and distinguished of all their sons.

The affection and regard in which the memory of Miss Willard is held by the people of Illinois, and the honor so worthily bestowed upon her in the proceedings of this day, will be better appreciated by the general public when we call to mind the names and number of distinguished men whom the legislators of Illinois might have chosen for this especial honor.

No State has been more fortunate than Illinois in this regard. Lincoln, Douglas, Bissell, Baker, Browning, Trumbull, Yates, Oglesby, Davis, Stephen T. Logan, Grant, John A. Logan, John M. Palmer, Gen. John A. McClernand, to say nothing of such men as Governor Coles, John A. Cook, Ninian Edwards, and Sidney Breese, present a list of brilliant and distinguished men whose abilities and achievements not only enrich the pages of the history of Illinois, but of the nation as well.

Lincoln, who was born in a log hut on the outskirts of civilization in the State of Kentucky, came to Illinois in his boyhood, and on the broad and fertile prairies of that State developed those qualities of head and heart that made him the foremost man of his generation and placed his name among the immortals.

Douglas, although born in New England, when a mere boy sought his fortunes in the West, and before he had fairly attained his majority was a citizen of Illinois. His great fame as an orator and a statesman was attained as a citizen of that State, and his greatest triumphs, as well as his most crushing defeats, were achieved and received in his political contests with Lincoln in Illinois. As long as our Republic shall endure, so long will the memorable debates between these two distinguished sons of Illinois remain fresh in the memory of all students of American political history. From 1850 to the breaking out of the civil war no name was more conspicuous in the United States than that of Douglas. His contests in the Senate of the United States with such men as Chase and Hale, Seward and Sumner, Toombs and Breckinridge, had made him the most accomplished debater of his time and the recognized leader of the Democrats of the North.

Ulysses S. Grant, from the comparatively humble position of colonel of the Twenty-first Regiment of Illinois Volunteer Infantry, by his military genius and devotion to duty rose from one military position to another until he became the General of all of the armies of the Federal forces during the late civil war and crowned his military achievements in the surrender of General Lee at Appomattox. His name as a military hero

will forever rank with those of Alexander, Cæsar, and Napoleon. All of the other men whom I have mentioned were especially distinguished in their several ways, and all are well worthy of the recognition and honor which has been bestowed upon Miss Willard.

The question naturally arises then, How does this woman come to be selected for this especial recognition and honor? The story long antedates her birth and goes back to a period when Illinois was knocking at the doors of Congress for admission into the Union of States.

A distinguished historian has said that Daniel Webster was saved to his country more than one hundred years before his birth in the person of one of his direct ancestors—a little child, who at 4 years of age was saved from Indian massacre by having a wash tub turned bottom side up over her, thus hiding her from a band of Indians who murdered all the other members of her family. So conditions for the development of the ability and character of Miss Willard were provided for in the legislation that relates to the admission of Illinois as a State into the Union long before her birth.

The northern limits of the Territory of Illinois were south of the south bend of Lake Michigan. Her population was principally from the States of Kentucky and Tennessee, North Carolina and Virginia. Her highways of commerce were the Illinois River, the Ohio, and the Mississippi. Her great commercial emporium was New Orleans, and the people of the slave-holding States her neighbors and friends. When she asked for admission into the Union, Judge Pope, her Congressional Delegate, proposed an amendment by which the northern limits of the proposed new State were extended northward 51 miles to the center of Lake Michigan, thence westward to the Mississippi River. The amendment included what are now the fourteen rich and populous northern counties of Illinois, including the great county of Cook, in which is located the imperial city of Chicago. Judge Pope, in advocating his amendment, pointed out that Illinois, if admitted as a State in the Union with the geographical limitations of the Territory, would have no business and commercial communication with the East and New England, and that her interests and her sympathies would naturally be with the South, and that in case of a contest between freedom and slavery, which he even then saw was inevitable, the fortunes of Illinois would naturally, by reason of friendship and interest, be with the Southern Confederacy.

The adoption of his amendment and the additional territory included would give the new State jurisdiction over the southwestern shores of Lake Michigan, and thereby unite it through the great waterway of the Lakes to Indiana, Ohio, Pennsylvania, New York, and New England; and that, admitted into the Union with this additional territory, she might become the very keystone to perpetuate the Union. Had Illinois been admitted as a State into the Union under her territorial limitations we would never have had the Illinois and Michigan Canal, and the Illinois Central Railroad, as it was constructed and has been operated, would never have become an accomplished fact. Without these Chicago would never have been the marvelous city that she is to-day, and without the fourteen northern counties, settled as they have been by people largely from New York and New England, Ohio, and Pennsylvania, the State of Illinois in 1854 would have been Democratic and would have supported Stephen A. Douglas in his Kansas-Nebraska bill, and Governor Matteson, instead of Lyman Trumbull, would have been elected to the United States Senate.

It was the vote of these fourteen counties that made the State Republican in 1856 and made the candidacy of Abraham Lincoln for the Presidency of the United States possible in 1860. It was the commingling within the limits of Illinois of the civilizations represented by the settlers from Kentucky, Tennessee, North Carolina, and Virginia with those of New York, Pennsylvania, and New England that formed and developed the civic conditions in Illinois that proved so helpful and healthful to the modest and timid nature of Miss Willard when, as a mere schoolgirl, she left her country home in Wisconsin and came to Evanston, Ill., to acquire her education and commence her life work.

This beautiful suburb of Chicago was her home for nearly forty years. The conditions were all favorable here for the unfolding not only of her superb intellect but of the splendid qualities of character so marked in her mature life. Had she lived and been educated in some sections of our country she might have remained an instructor in some educational institution, where she would have been appreciated and honored as such, and have died loved and respected by the many students who were fortunate enough to come under her personal supervision, but unknown to the world.

In Evanston and Illinois the conditions were ripe for the exercise of the higher and better qualities of her nature, and when

the demand came for her to lay aside what had been determined at one time to be her life work at the head of the women's college at the Northwestern University, she did not hesitate, although it seemed to many of her friends that she was making needless sacrifices in giving up an assured career as an instructor in that institution. God had intended her from the first for a greater work than that and for a wider field for the exercise of her great nature.

When she put aside the work of the schoolroom and entered the arena of the lecture platform in the cause of temperance and the purity of women, she entered the limelight of publicity, in which she remained during all the years of her great work in this and other countries. She did not escape the envious tongues of detractors nor the sharp thrusts of keen critics. She undertook tasks which to the average person would seem insurmountable, but to her only incidents in the career which she had marked out before her. Her labors, her successes, and her achievements have been eloquently portrayed here to-day by those who have preceded me. It is enough for me to note that no man or woman of her time wrought better or accomplished more for the protection and upbuilding of her sex and the cause of temperance. The endearments of home and the quiet of her fireside were sacrificed in the interest of the unfortunate among both men and women.

Her great soul carried her activities beyond State and national lines and led her to help the unfortunate in all countries and all climes. The noble Roman matron Cornelia, when called upon by a wealthy lady of Campania to exhibit to her her jewels, called her two young sons to her side and said, "These are my jewels." Miss Willard, who rejected the offers of husband and home that she might the better serve the cause to which she had dedicated her life, on a like request for the exhibition of her jewels, could have pointed to the thousands of unfortunate men and women who had been rescued by her from lives of crime, drunkenness, and immorality to that of pure womanhood and honorable manhood.

Her gentleness of heart, her charity, her firmness of principle, and her attractive personality made her a power that attracted to her the good women and men of this and other countries that she visited, and enabled her to accomplish a work that has placed her name high on the list of the famous women of the world. The work that she inaugurated is going on and will continue in augmented strength and influence so long as time lasts.

It is not strange then, Mr. President, that the people of Illinois should desire to see such a life and such a character especially honored. Her services have been world-wide. The cause for which she dedicated her life reaches all humanity. The ability with which she prosecuted this life work places her among the most eminent intellects of our generation. She possessed all the qualities of organization which have made such men as Marshall Field, Morgan, and Carnegie multimillionaires; a genius which in military affairs would have made a general of the first rank; legislative qualities which in the statesman would have made his name historical; oratorical abilities which have made such men as Beecher and Spurgeon immortal, and a charity which was heaven-born.

Illinois in thus honoring her to-day by placing her statue in yonder hall has honored herself and the women of our State and country. [Applause in the galleries.]

Mr. DOLLIVER. Mr. President, there has been witnessed in the Capitol to-day a scene the like of which has never taken place before—thousands of children covering a statue with flowers and thousands of women standing before it in silence and in tears.

The original Hall of the House of Representatives has seen strange vicissitudes. For two generations it was the arena in which the great controversies of American politics were fought out. Here the popular leaders of those times met in debate, and within its walls the policies were shaped which entered into the national life from the days of Jefferson to the period of the civil war.

When the legislative chambers now occupied by the Senate and House of Representatives were added to the Capitol their earlier quarters were left to find other occupants and other uses. The old Senate Chamber was given to the Supreme Court, and while its appointments are somewhat meager for that great tribunal, there is about it a certain atmosphere which preserves all the great traditions of the place and makes it seem appropriate for our court of last resort. The disposition of the old Hall of the House of Representatives was not so easy, for it lay right in the pathway of the multitude which moves in restless procession through the main highway of the Capitol. What to do with it puzzled alike the statesmen and the architects.

At last they found a solution of the problem so desirable that

it was adopted without dissent. Congress dismissed the architects and resolved to preserve that historic apartment exactly as it was left to us by our fathers, nothing wanting except the mace and gavel to bring back the picture of the Chamber precisely as it looked to other generations, so that you can not walk through it to-day without hearing in your imagination the wondrous voice of Henry Clay, without listening to the fierce invectives of John Randolph of Roanoke, without seeing the young and eager face of David Wilmore, without feeling the hush of silence amid the confusion of the day, as you pause to look at the brass tablet on the floor which records the glorious exit of John Quincy Adams from the noise and strife of time.

It is not strange that everybody acquiesced, seeing that it could not be taken from the people, in the proposal to set the place apart, to be kept forever as a memorial hall, no longer for the living, but for the august assembly of the dead. One by one its vacant spaces have been chosen by the States entitled to them, until now these solemn effigies stand close together like a family reunion of the great ones of the earth. More than twenty of the States are represented, though some, even among the oldest, have not felt like choosing among their honored citizens the names which are to stand in such distinct pre-eminence. Statesmen and orators are there, secure in their renown. Soldiers are there, with sword in hand. Inventors are there, whose ingenuity gave practical ideas to the world; and priests, to bless them all with the benediction of their holy office.

We are met to-day to put in place another pedestal; to accept another statue donated by the people to the nation. It is brought here by a State rich in the household treasures of its biography—the State which gave to American politics the leadership of Stephen A. Douglas; the State from which Abraham Lincoln set out on his triumphal journey to the capital; the State which signed the first commission of General Grant; the State in which John A. Logan was born, and from which he went forth to become the ideal volunteer soldier of the Republic. Yet the great Commonwealth passes all these by and brings here, with reverence and pride, a work of art so full of gentleness and grace that all the illustrious company about it seem to bow with stately ceremony before the white figure of this elect daughter of Illinois—Frances E. Willard. [Applause in the galleries.]

I have seen in the newspapers more than one sneering comment upon the action of the general assembly in choosing a woman to represent the State in our National Statuary Hall, and I have heard the sneer repeated here at the Capitol in thoughtless conversation. I confess that to me a criticism such as that seems strangely out of place; and in the light of what has been witnessed here to-day it seems too paltry and absurd even for passing notice.

The distinguished Senator from Illinois [Mr. CULLOM] has spoken so fully of the life and high achievements of Miss Willard that it would be inappropriate for me to repeat the story of her career. He knew her well. I was acquainted with her only in a distant way, and was less familiar than perhaps I ought to have been with the work which she was doing in the world. So that it would be impossible for me, even if it were appropriate, to speak of her, as he has spoken.

I knew her only as a public teacher and most distinctly as a factor in the political controversies of our times. It was my fortune to hear her more than once, advocating before the people her favorite reforms.

She was one of the most persuasive orators who ever spoke our tongue, and her influence, apart from the singular beauty of her character, rested upon that fine art of reaching the hearts and consciences of men which gave her a right to the leadership which she exercised for so many years. I remember once hearing her speak, when General Harrison was a candidate for the Presidency, in Norumbega Hall, at Bangor, Me. I was on the stump for the Republican candidate and shared in a full measure the impatience of my own party with those who, under their sense of duty, were engaged in turning our voters aside in an effort to build up an organization of their own, pledged to the prohibition of the liquor traffic in America.

I remember that I was especially irritated because the party which Miss Willard represented was not willing to let us alone in Maine.

Notwithstanding all my prejudices, I invited a friend, a hardened politician, then famous in our public life, to go with me to hear Miss Willard speak. He reluctantly consented upon condition that we should take a back seat and go out when he indicated that he had had enough. For more than two hours this gifted woman, with marvelous command of language, with a delicate sense of the fitness and simplicity of words, with a perfect understanding of the secret places of the human heart, moved that great multitude with a skill that belongs to genius

alone, and to genius only when it is touched with live coals from the altar. And when it was all over we agreed together that in all our lives we had never witnessed a display so marvelous of intellectual and spiritual power.

But it is not my purpose to pronounce a eulogy upon Miss Willard. A life like hers, given without reservation and without terms to help and to bless the world, is in no need of empty words of praise. It is crowned already beyond all our poor eulogies.

I do not know whether her devoted followers in Illinois, who presented to the legislature the petition asking that she be selected for this immortal honor, had in their thought everything which this statue means. They were moved, I do not doubt, by the love which they had for her to claim for her memory this national recognition. But even if love for her and generous appreciation of her distinguished civic services were the only motives which actuated the people of Illinois, there remains a larger significance which belongs to this occasion, of which I desire to speak.

The appearance of this statue in the Capitol of the United States is not only a tribute to the career "of an illustrious person," to use the language of the statute; it is also a visible token of a forward movement in modern society which has already made a new statement of the relation of the home to the State, in terms so unmistakable that the womanhood of America, long since familiar with the burdens of a larger responsibility, has entered at last into a larger opportunity.

I am not going to discuss and I do not even feel bound to give my opinion upon some of the questions to which Frances E. Willard devoted the latter years of her life. She was, most of us think, a pioneer, and whether the lands which she explored are to be occupied to-morrow, or the next day, or the next century, I will not even stop to inquire.

These things are less important than some have thought, and will be worked out in woman's way and woman's time. But there are noticeable signs of the times, which Miss Willard at once illustrated and interpreted, that may be spoken of without venturing into the field of controversy.

A college graduate, a student pursuing her studies in the University of Paris, worthily wearing her academic robes, she was a forerunner of the unnumbered host of American young women who have captured the prizes of every college and university that has dared to admit them, until they have threatened at last to leave to their brethren no certificates of superiority except the doubtful credentials of the athletic field.

Already they have taken possession of the high schools of America, and those of us who have had a chance, as I have often had, to look in on graduating exercises in city or in village, finding in every class a dozen strong and healthy girls and an average of about three boys, one of them lame and the others very pale, have been compelled to entertain disquieting thoughts about the future of man's monopoly in those worldly affairs which require a preliminary training of the mind.

Under such circumstances it would be strange if American women had not already knocked at the doors of all professions and of all the other honorable pursuits of life. She has not hesitated to attempt the practice of the law. She has successfully acquired the learning of all the schools of medicine. She has challenged the church to show cause why she ought not to be commissioned to unfold to others the mysteries of the godliness of which she is the most perfect disciple. She has become the patroness of art, of literature, and of those far-reaching philanthropies which are lifting the world out of paganism and barbarism, and casting up a highway for the progress of civilization.

Into this new world this daughter of Illinois was born. With a woman's intuition she grasped the meaning of her surroundings. Turning aside from the ostentations of society, she put away from her the endearments of domestic life, the sweet content of home and children, and offered her whole strength to the Master whom she served that she might help the needy, feed the hungry, lift up the fallen, and throw the protection of our institutions about the firesides of the American people. I think her largest influence will be associated with the work of the Woman's Christian Temperance Union, and I can not speak of that without a sincere feeling when I remember one near and dear whose life was wrapped up in the benign purposes and plans of that great organization.

Lord Macaulay said of John Wesley that he was one of the greatest statesmen of his time. What did he mean by that? He meant that in addition to his preaching the Word he created an institution, compact and effective in its methods, which went on long after he was gone, in the execution of the beneficent designs which were in his heart. Exactly the same thing can be said for Frances E. Willard. And she owed to that organi-

zation possibly more even than she knew, because the position which she held in it made her office a central bureau to which reports were made of the moral and intellectual signs of the times; and no man can read her annual messages to the organization of which she was the executive head without perceiving that she had a strong grasp of all the great social and moral problems of our time; a grasp so strong that to-day her words seem often like prophecies fulfilled, where twenty years ago they hardly attracted the attention of the world.

I think the highest point in the public career of the late Senator Hanna was that last speech of his before a meeting of laboring men and capitalists belonging to the Civic Federation in New York. When standing there, without any pretensions to piety or sanctity of any sort, he laid down the proposition, based on a long experience as a laborer and an employer, and on an intimate acquaintance with the leaders of political thought in all parties, that the rights of labor and the rights of capital can never be established on a lasting basis of justice except as both bow in loyal obedience to the law of Christ. Frances E. Willard had, for twenty years before her death, taught that doctrine, not only in its application to the labor question, but to all the complex social problems of these times.

Her chief title as a teacher of social and moral science lies in this: With a profound insight she perceived that the most difficult problems of civilization, the problems which have brought the statesmanship and philosophy of the modern world to a dead standstill, if they have any solution at all—and she confidently believed they had—they would find it at last in the actual application to the daily life of the world of the divine precepts which constitute the most precious part of the inheritance of these Christian centuries. [Applause in the galleries.]

And so I think that the general assembly of Illinois did well to set up this monument in memory of her. The children who have covered it this day with flowers have paid to her a tribute so simple and so appropriate that its fragrance will fill these corridors long after the formal ceremonies of this hour have been forgotten. And in after generations, as long as this venerable edifice remains, the women of America, as they look upon the chiseled beauty of that face, standing like a goddess among our heroes and our sages, will whisper a word of gratitude to the people of Illinois when they remember the act of her general assembly, which, careless alike of custom and of precedent, has added to the title of their citizenship this perpetual dignity in the Capitol of the United States. [Applause in the galleries.]

The PRESIDENT pro tempore. The question is on agreeing to the resolutions submitted by the Senator from Illinois [Mr. CULLOM], which will be read.

The Secretary again read the resolutions.

The resolutions were unanimously agreed to.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 32 minutes p. m.) the Senate adjourned its legislative session until to-morrow, Saturday, February 18, 1905, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 17, 1905.

The House met at 12 o'clock noon.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We lift up our hearts in gratitude to Thee, O God, our Heavenly Father, for this day, which marks an epoch in the progress and civilization of our age and nation by the placing of the statue of a woman in this Capitol, among the noted and illustrious men of our nation, who, by the purity of her soul, the breadth and scope of her intellectual attainments, the eloquence and chastity of her speech, and her unselfish devotion to the purity of the home, the State, the nation, and humanity, won for herself the splendid and just encomium, "The uncrowned queen of purity and temperance." God grant that there it may stand instinct with life and vocal with its eloquent appeal "for God and home and native land;" there may it stand a beacon light for untold millions in their upward and onward march toward the ideals in Christian manhood and womanhood; and glory and praise be Thine, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESERVATION OF GALLERY.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that the following resolution be agreed to.

The SPEAKER. The Clerk will read the resolution.

XXXIX—175

The Clerk read as follows:

Resolved, That during the ceremonies incident to the acceptance of the statue of Frances E. Willard presented by the State of Illinois to the Government of the United States, on Friday, February 17, at 4 o'clock, the southeast ladies' gallery be reserved for the Illinois statutory commission and the relatives of the late Frances E. Willard and such citizens of Illinois as may attend these services.

The SPEAKER. Is there objection?

There was no objection.

STATEHOOD BILL.

Mr. DALZELL. Mr. Speaker, I make the following privileged report from the Committee on Rules.

The Clerk read as follows:

House resolution No. 497.

Resolved, That the Committee on the Territories be, and hereby is, discharged from the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, with the Senate amendments thereto; that the said Senate amendments be, and hereby are, disagreed to by the House, and a conference asked of the Senate on the disagreeing votes of the two Houses on the said bill.

Mr. DALZELL. Mr. Speaker, I move the adoption of the resolution, and on that I demand the previous question.

The SPEAKER. The gentleman demands the previous question upon the adoption of the resolution.

Mr. WILLIAMS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS of Mississippi. There is no discussion of a demand for the previous question, is there?

The SPEAKER. No.

Mr. WILLIAMS of Mississippi. Would it be in order for me to say that the only way to get an opportunity to amend this rule is to vote down the previous question? [Laughter.]

The SPEAKER. The gentleman has already made that suggestion.

Mr. WILLIAMS of Mississippi. Did the Chair understand my inquiry?

The SPEAKER. Yes; the Chair replied. The gentleman has asked the question. It is not in order under the rules, but still the gentleman has answered his own question.

Mr. WILLIAMS of Mississippi. I asked the question as to whether it would be in order.

The SPEAKER. Yes; the gentleman has the full benefit of it. [Laughter.] Pending a demand for the previous question nothing is in order except the vote on the previous question.

Mr. WILLIAMS of Mississippi. That was my own impression, but I wanted to be sure of it. [Laughter.]

The SPEAKER. The Chair is very glad to confirm the gentleman in the correctness of his impression. [Laughter.] The question is on ordering the previous question.

Mr. WILLIAMS of Mississippi. Mr. Speaker, to save time, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 127, answered "present" 7, not voting 90, as follows:

YEAS—160.

Adams, Pa.	Dalzell	Hinshaw	Martin
Adams, Wis.	Daniels	Hitt	Miller
Alexander	Darragh	Hogg	Minor
Allen	Davis, Minn.	Howell, N. J.	Mondell
Ames	Dayton	Howell, Utah	Morgan
Babcock	Dixon	Huff	Morrell
Bartholdt	Douglas	Hughes, W. Va.	Mudd
Bates	Dovener	Hull	Murdoch
Pede	Draper	Humphrey, Wash.	Nevin
Beldier	Dresser	Hunter	Norris
Birdsall	Driscoll	Jenkins	Otjen
Bishop	Dunwell	Jones, Wash.	Overstreet
Boutell	Esch	Kennedy	Parker
Bowersock	Foss	Ketcham	Patterson, Pa.
Bradley	Foster, Vt.	Kinkaid	Payne
Brandegee	French	Knapp	Perkins
Brooks	Fuller	Knopf	Porter
Brown, Wis.	Gaines, W. Va.	Knowland	Powers, Me.
Brownlow	Gardner, Mass.	Kyle	Powers, Mass.
Burke	Gardner, N. J.	Lacey	Reader
Burkett	Gibson	Lafean	Roberts
Burleigh	Gillet, N. Y.	Landis, Frederick	Rodenberg
Burton	Gillett, Cal.	Lawrence	Scott
Butler, Pa.	Gillett, Mass.	Lilley	Sibley
Calderhead	Goebel	Littauer	Slomp
Campbell	Graff	Littlefield	Smith, Iowa
Capron	Greene	Longworth	Smith, Wm. Alden
Castor	Grosvenor	Loudenslager	Smith, N. Y.
Conner	Hamilton	Lovering	Smith, Pa.
Cooper, Pa.	Haskins	McCarthy	Snapp
Cromer	Haugen	McCreary, Pa.	Southard
Crumacker	Hemenway	McMorran	Southwick
Currier	Henry, Conn.	Mahon	Spalding
Curtis	Hepburn	Mann	Stafford
Cushman	Hill, Conn.	Marshall	Stevens, Minn.